

CHAPTER 11

NATURAL RESOURCES MANAGEMENT

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CHAPTER 11

NATURAL RESOURCES MANAGEMENT

SECTION 1: INTRODUCTION

11100. PURPOSE. This chapter establishes Marine Corps policy and responsibilities for compliance with procedural and statutory requirements for managing natural resources at Marine Corps installations. This chapter summarizes the Natural Resources Management Program, which consists of land management, fish and wildlife management, forest management, and resource-based outdoor recreation management.

11101. APPLICABILITY. See paragraph 1101.

11102. BACKGROUND. The making of Marines requires extensive training. Marines train as they fight, and that training requires access to land. Training can be destructive to land and natural resources. Unless properly managed, Marine Corps lands can become damaged to the point where realistic training can no longer occur. In addition, the American people have placed intrinsic values on certain natural resources. These values are manifested in laws requiring the Marine Corps to protect and conserve natural resources. Failure to comply with natural resources laws can lead to judicial, legislative, and executive decisions denying the Marine Corps access to land for training. Accordingly, installation and unit commanders must work to guarantee continued access to our land, air, and water resources for realistic military training and testing by ensuring that the natural resources entrusted to the Marine Corps' care remain healthy and available for future generations.

11103. FEDERAL STATUTES AND EXECUTIVE ORDERS (E.O.S)

1. Bald Eagle Protection Act of 1940, as Amended (16 U.S.C. 688 et seq.). The act prohibits taking, possessing, and transporting bald eagles and golden eagles and importing and exporting their parts, nests, or eggs. The definition of "take" includes pursue, shoot, shoot at, poison, wound, capture, trap, collect, molest, or disturb. The act also provides for penalties of up to \$5,000 for possessing eagles or eagle parts

taken from birds after June 1940. Regulations implementing the act are found at 50 CFR Part 22.

2. Clean Water Act (CWA) of 1977, as Amended (Public Law 95-217, 33 U.S.C. 1251 et seq.). The CWA, in part, requires Federal agency consistency with state nonpoint source pollution management plans. The CWA and its implementing regulations also require permits for controlling wastewater discharges and placing fill materials into waters of the United States, including wetlands. These permits are required before initiating proposed actions.

3. Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. 1451 et seq.). The CZMA requires that, to the maximum extent practicable, Federal actions affecting any land/water use or coastal zone natural resource be implemented consistent with the enforceable policies of an approved state coastal management program. The CZMA also authorizes states to administer approved coastal nonpoint source pollution programs. Advance concurrence from the state Coastal Commission is required before taking an action affecting the use of land, water, or natural resources of the coastal zone. Excluded from the coastal zone are lands solely subject to or held in trust by the Federal government, its officers, or its agents.

4. Conservation Programs on Military Reservations (Sikes Act) of 1960, as Amended (16 U.S.C. 670(a) et seq.). The Sikes Act requires each military installation to manage natural resources for multipurpose uses and public access appropriate for those uses, consistent with the military department's mission, in accordance with an Integrated Natural Resources Management Plan (INRMP). Each INRMP must be prepared in consultation with the U.S. Fish and Wildlife Service (FWS) and the cognizant state fish and wildlife agency. The public must be afforded an opportunity to review and comment on INRMPs prior to their finalization. The Sikes Act also requires, to the extent practicable using available resources, sufficient numbers of professionally-trained natural resource management personnel and natural resources law enforcement personnel, be available and assigned responsibility to, perform tasks necessary to carry out Title I of the Sikes Act, including preparing and implementing INRMPs.

5. Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901-3932). The act promotes wetlands conservation for the public benefit and helps fulfill various migratory bird treaty obligations.
6. Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.). Implemented by 50 CFR 402 and 50 CFR 17, this ESA requires Federal agencies to carry out programs to conserve Federally-listed endangered and threatened plants and wildlife. Development and implementation of these programs must be carried out with the consultation and assistance of the Departments of the Interior (DOI) and Commerce. Preparation of a biological assessment may be required to determine whether formal consultation with the FWS/National Oceanic and Atmospheric Administration - Fisheries (NOAA Fisheries) is necessary and/or may serve as a basis for a FWS/NOAA Fisheries biological opinion.
7. Estuarine Areas Act (16 U.S.C. 1221-1226). The act provides for a Federal study and inventory of estuaries and authorizes their management and development through Federal and State agreements.
8. Plant Protection Act (7 U.S.C. 7701 et seq.). Consolidates and modernizes all major statutes pertaining to plant protection and quarantine.
9. Strengthening Federal Environmental, Energy, and Transportation Management (E.O.) 13423, 24 January 2007. Sections 2(d) and 3(a) of this E.O. require the use of sustainable environmental practices and energy efficiency, greenhouse gas emissions avoidance or reduction, and renewable energy.
10. Marine Mammal Protection Act (MMPA) of 1972, as Amended (16 U.S.C. 1361 et seq.). Implemented by 50 CFR 18, 215, and 228, the MMPA mandates a moratorium on the killing, capturing, harming, and importing of marine mammals and marine mammal products. The MMPA also prohibits the taking of any marine mammal by any person, vessel, or conveyance subject to the jurisdiction of the United States on the high seas or the taking of any marine mammal by a person, vessel, or conveyance in waters or lands under the jurisdiction of the United States. "Taking" means to harass, hunt, capture, collect, or kill any marine mammal, and the term includes, without limitation, any of

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the following: collection of dead animals or their parts, restraint or detention of a marine mammal, tagging a marine mammal, the negligent or intentional operation of an aircraft or vessel, or doing of any other negligent or intentional act that results in the disturbing or molesting of a marine mammal.

11. Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as Amended (33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.). The MPRSA establishes regulations relating to dumping specific materials into open waters and establishes a program for designating and regulating national marine sanctuaries.

12. Migratory Bird Treaty Act (MBTA) of 1918, as Amended (16 U.S.C. 703 et seq.). The MBTA protects migratory birds (listed in 50 CFR 10.13) and their nests and eggs and establishes a permitting process for the taking of migratory birds.

13. Military Reservation and Facilities: Hunting, Fishing and Trapping Act of 1958 (Public Law 85-337, 10 U.S.C. 2671). The act requires all hunting, fishing, and trapping on each military installation be in accordance with the state fish and game laws where the installation is located. Appropriate state licenses must be obtained for these activities on the installation, but the act permits an installation commander to exempt active duty military personnel from state licenses to hunt, fish, and trap on a military installation if the state does not permit them to obtain a resident license.

14. Sale of Certain Interests In Lands; Logs (10 U.S.C. 2665). This law establishes requirements for installation sale of forest products.

15. Leases: Non-Excess Property of Military Departments (10 U.S.C. 2667). This law permits installations to lease real or personal government property, including land leased for agricultural purposes.

16. National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.). NEPA requires consideration of environmental concerns during project planning and execution. NEPA and Council on Environmental Quality NEPA-implementing regulations (40 CFR Part 1500) require Federal agencies to prepare an Environmental Assessment or Environmental Impact statement for Federal actions with the potential to significantly affect the

quality of the human environment, including natural and cultural resources.

17. Fish and Wildlife Conservation Act (FWCA) of 1980 (16 U.S.C. 2901 et seq.). The FWCA promotes state programs for conserving nongame fish and wildlife, their habitats, and their use.

18. Plant Quarantine Act (7 U.S.C. 151-167). The act regulates the importation and movement of nursery stock and other plants and plant products within the United States to control injurious plant and pest transportation.

19. Protection of Wetlands (E.O. 11990, 24 May 1977). This E.O. addresses Federal agency actions required to identify and protect wetlands, minimize the risk of wetlands destruction or modification, and preserve and enhance the natural and beneficial values of wetlands.

20. Floodplain Management (E.O. 11988, 24 May 1977). This E.O., in part, requires each Federal agency to evaluate potential effects of actions that it may take in a floodplain and ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management.

21. Outdoor Recreation - Federal/State Program Act (16 U.S.C. 460(L) et seq.). The act encourages consultation with the United States National Park Service regarding outdoor recreation management.

22. Rivers and Harbors Act (33 U.S.C 401). The act, in part, prohibits the construction of any bridge, dam, dike, or causeway over or in navigable waters of the United States without Congressional approval.

23. Soil Conservation Act (16 U.S.C. 590a et seq.). To control and prevent soil erosion, the act ensures that programs administered by the Secretary of Agriculture for the conservation of soil are responsive to the long-term needs of the United States.

24. Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1009). To preserve and improve land and water resources and the quality of the environment, the act authorizes Federal

assistance to local organizations for flood prevention and the planning and completion of projects in watershed areas for conservation and land and water use.

25. Exotic Organisms (E.O. 11987, 24 May 1977). This E.O., in part, requires Executive agencies, to the extent permitted by law, to restrict the introduction of exotic species into the natural ecosystems on lands and waters they own, lease, or hold.

26. Invasive Species (E.O. 13112, 3 February 1999). This E.O.'s purpose is to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause.

27. Farmland Protection Policy Act (7 U.S.C. 4201-4209). The act encourages Federal agencies to take steps to ensure their actions do not cause United States farmland to be irreversibly converted to nonagricultural uses.

28. Responsibilities of Federal Agencies to Protect Migratory Birds (E.O. 13186, 10 January 2001). This E.O., in part, requires each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations to develop and implement, within two years, a Memorandum of Understanding with FWS that shall promote the conservation of migratory bird populations.

29. Use of Off-Road Vehicles on the Public Lands (E.O. 11644, 9 February 1972). This E.O., in part, establishes policies and provides for procedures for ensuring off-road vehicle use on public lands will be controlled and directed to protect natural resources.

30. Superfund Implementation (E.O. 12580, 23 January 1987), as amended by E.O. 12777 (18 October 1991). This E.O. delegates to various Federal officials the responsibilities vested in the President for implementing Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

11104. REQUIREMENTS

1. Natural Resources Management. Each Marine Corps installation shall manage its natural resources to provide for sustained military use of the land.

a. INRMPs. Each installation having custody of Class I property (i.e., land and water) suitable for the conservation and management of natural resources shall prepare, or ensure preparation of, and implement a comprehensive INRMP that includes all elements of natural resources management applicable to the installation. INRMPs must be prepared by professionally-trained personnel and must address compliance with legal mandates protecting specific natural resources. Each installation, as applicable, shall continuously monitor its INRMP implementation and review its INRMP annually. Each installation, as applicable, shall also revise and/or reapprove its INRMP at least every five years. For more information, see paragraph 11200.4 of this chapter.

b. Pesticide Use in Natural Resources Management Programs. Pesticide use, storage, application, and disposal, in support of installation natural resources management activities shall comply with reference (a) and applicable occupational safety and health requirements. Each installation shall use the principles of Integrated Pest Management to avoid and minimize the use of pesticides when nonchemical alternatives are available and cost effective.

c. Public Access Associated with the Natural Resources Management Program. Marine Corps lands will be available to the public for enjoyment and use of natural resources, except when a specific determination has been made by the installation Commanding General/Commanding Officer (CG/CO) that a military requirement prevents such use for safety or security reasons, or when such use would cause substantial environmental degradation. A nonaccess or limited access determination will be explained in the installation's INRMP.

d. Access by Federal and State Conservation Officials. Federal, State, and local officials will be permitted access to installation land and waters for official purposes after proper safety and security measures are taken.

e. Consistency with Coastal Zone Management Plans. Reference (b) requires each installation to ensure that its operations, activities, projects, and programs affecting the coastal zone in or on coastal lands or waters are consistent to the maximum extent practicable with the Federally-approved

Coastal Zone Management Plan of the State. Installation natural resources management planning shall comply with this requirement.

f. Protection of Coastal Barriers. Before construction, maintenance, military activities, implementation of natural resources management projects, or other Federal expenditures on coastal barrier islands, the Marine Corps will consult with the Secretary of the Interior to determine the impacts on these resources. In areas designated as coastal barriers, the Marine Corps may only expend funds for military activities essential to national security; projects for the study, management, protection, and enhancement of natural resources; scientific research; essential emergency actions; maintenance (but not expansion) of publicly-owned structures; and nonstructural projects for shoreline stabilization.

g. Exotic and Invasive Species

(1) Installations and units shall prevent the introduction of exotic species into any installation's natural ecosystem unless the Secretary of Agriculture or the Secretary of the Interior finds that such introduction will not have an adverse effect on those ecosystems.

(2) Installations, organizations and military units shall not authorize, fund, or carry out actions likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere. They shall provide for invasive species control and minimize the economic, ecological, and human health impacts that invasive species cause. Installations, organizations and military units with actions that may affect the status of an invasive species shall, to the extent practicable and permitted by law, identify such actions, and subject to the availability of appropriations, and within budgetary limits, use relevant programs and authorities to: prevent the introduction of invasive species; detect and respond rapidly to and control populations of such species in a cost-effective and environmentally-sound manner; monitor invasive species populations accurately and reliably; provide for restoration of native species and habitat conditions in ecosystems that have been invaded; conduct research on invasive species and develop technologies to prevent introduction, and provide for environmentally-sound control, of invasive species;

and promote public education on invasive species and the means to address them.

h. Partnerships and Volunteer Programs. Installations may use appropriate partnerships and volunteers to enhance conservation programs whenever practicable. This work will be performed under the direction of professionally-trained natural resources personnel in accordance with reference (c).

i. Natural Resources Personnel. Personnel with natural resources responsibilities must, as a condition of employment, possess the appropriate knowledge, skills, and professional training/education to perform their duties. Installation commanders will provide natural resources personnel timely and necessary supplemental training to ensure proper and efficient natural resources management. Installation commanders will also maintain adequate natural resources staffing levels to provide and sustain installation natural resources.

2. Land Management

a. Wetlands Protection. The Marine Corps will obtain a CWA Section 404 permit from the U.S. Army Corps of Engineers (USACE) before discharging dredged or fill material into waters of the United States, including wetlands. The Marine Corps will comply with the national goal of no net loss of wetlands and will avoid loss of size, function, and value of wetlands. In addition, the Marine Corps will preserve and enhance the natural and beneficial values of wetlands while conducting its activities.

Installations, when engaged in an authorized activity that may or will result in the destruction of, or an adverse impact to, a wetland, may make payments to a wetland mitigation banking program or "In-Lieu-Fee" mitigation sponsor approved in accordance with references (d) or (e), and any implementing administrative guidance or regulation.

b. Nonpoint Source Pollution. The Marine Corps will comply to the extent permitted by law with State CWA nonpoint source pollution control requirements. Further, the Marine Corps will manage its lands and waters in accordance with reference (f), which requires installations to consider their proposed resource management activities within the broader context of the watershed where their activities are being contemplated.

c. Agricultural Outleasing. As part of the integrated management of natural resources, installation commanders shall review the suitability of their lands for agricultural leasing, under authority of reference (g) when such leasing is advantageous to the United States. Installation commanders should also review the suitability of existing leases to ensure they promote the national defense or are in the public interest and do not conflict with existing or planned military land use requirements. In addition, any agricultural leases must be compatible with the goals and objectives of the installation's INRMP.

d. Soil Conservation. The Marine Corps shall manage its lands and waters to control and prevent soil erosion, soil loss, and aquatic sedimentation and to preserve natural resources by conducting surveys and implementing soil conservation measures. Construction projects shall be designed to eliminate post construction soil erosion, and altered or degraded landscapes and associated habitats shall be restored and rehabilitated whenever practicable.

e. Farmland Protection. The Marine Corps shall identify prime and unique farmland and take into account the adverse effects of Marine Corps actions on farmland preservation. In reviewing its actions, the Marine Corps shall consider appropriate alternative actions to reduce such adverse effects and will ensure that such actions, to the extent practicable, are compatible with state and local government and private farmland protection programs and policies.

f. Control of Noxious Weeds. Installations shall implement control measures for Federally- and State-listed noxious weeds. Base Exterior Architecture Plans will include a list of prohibited noxious weeds for landscaping. Installations must also cooperate with State, county, and local governments and easement holder management plans for controlling noxious plants provided that similar programs are being implemented generally on state or private lands in the same area.

g. Floodplain Management. As it implements land management, construction, and land use actions, the Marine Corps shall avoid direct and indirect floodplain development and shall restore and preserve the natural and beneficial values served by floodplains. Installations and units must evaluate the

potential effects of proposed actions in floodplains according to the NEPA procedures described in Chapter 12.

h. Wildfire Suppression and Prescribed Burning. Fire is an important component of fire-adapted ecosystems. These ecosystems may require some level of prescribed burning to mimic the temporal frequency and intensity of the natural fire regime. Burning outside the natural fire regime may impact or convert vegetation plant communities to a non-native type. Prescribed burning is an important tool to reduce fuel loading and maintain fire-dependent ecosystems. Accordingly, Marine Corps installations shall include fire management in their INRMP. Wildland fire response and prescribed burning shall be conducted in accordance with reference (h).

3. Fish and Wildlife Management

a. Endangered Species

(1) Each installation shall survey and take other appropriate actions to document the presence of candidate species and endangered or threatened species on the installation, and identify their currently used and periodically-or indirectly-used habitats. Each installation shall assist FWS in determining whether any such habitats may be included or excluded from critical habitat designation. Each installation shall also survey and take other appropriate actions to document the presence of state or territory rare and endangered species.

(2) The Marine Corps will consult with FWS or NOAA Fisheries (as appropriate) on any Marine Corps action that may affect any endangered or threatened species or critical habitat to ensure that such action is not likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of critical habitat. Such consultations may be either formal or informal. When necessary, the Marine Corps will prepare a biological assessment of the effects of a proposed action on a listed species and/or its critical habitat to assist FWS or NOAA Fisheries in issuing a Biological Opinion on whether the action will jeopardize the continued existence of the species and/or adversely modify its critical habitat. In addition, the Marine Corps will further programs for the conservation of endangered and threatened species. Each installation supporting endangered or threatened species must

address their management in its INRMP detailing protective measures that assure the continued health and viability of these species on the installation. Each installation will also assist FWS and NOAA Fisheries in preparing recovery plans for endangered or threatened species on the installation.

(3) Each installation shall designate an installation representative to liaise with local governmental agencies and organizations interested in endangered and threatened species protection. The initial contacts shall include the local FWS field office, the local field office of NOAA Fisheries, and the State fish and wildlife agency.

b. Marine Mammals. The Marine Corps shall not take (e.g., harass, hunt, capture, or kill) marine mammals on the high seas or in waters or on land under the jurisdiction of the United States. The Marine Corps will evaluate each operation that may affect marine mammals and will avoid impacts to them. For actions with the potential for unintentional harm to marine mammals, application to NOAA Fisheries will be made for a Letter of Authorization or other permit to comply with MMPA requirements. In addition, many marine mammals are also endangered species, and proposed actions that may affect any Federally-listed threatened or endangered species require consultation under Section 7 of reference (i).

c. Migratory Birds. The Marine Corps shall consult with FWS during INRMP preparation to ensure that actions not directly associated with military readiness activities (e.g., training) are conducted in a manner that minimizes the taking of birds protected by reference (j) and listed in reference (k). While incidental take of migratory birds is authorized during the conduct of military readiness activities, the Marine Corps will discuss with FWS the impacts of such activities to migratory birds. Installations shall consult with local or regional FWS offices on proposed actions intended to take (e.g., banding or marking, scientific collecting) migratory birds, their young, or eggs. The lawful pursuit of migratory game birds is permissible in compliance with Federal, State, and local hunting regulations.

d. Hunting, Fishing, and Trapping Licenses. Installations allowing hunting, fishing, and trapping shall require all civilian hunters, fishers, and trappers to possess applicable state licenses for hunting, fishing, or trapping on the

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installation. Military personnel engaged in these activities must possess such licenses if the host State permits the issuance of a resident license to members of the military without regard to residency requirements. At installations within States that do not authorize licenses under the conditions noted herein, military personnel may, at the discretion of the installation CG/CO, hunt, fish, or trap with an installation permit in lieu of a state license.

e. Hunting, Fishing, and Trapping Access Fees. Each installation with an INRMP permitting hunting, fishing, or trapping may collect nominal fees for these recreational opportunities. Each installation should develop the permit fee schedule, in part, after considering cost associated with INRMP installation fish and wildlife enhancement operations.

f. Fish and Wildlife Management. Installations with INRMPS shall ensure that professional services implement and enforce them. When procuring INRMP implementation and enforcement services, priority shall be given to Federal and State agencies having responsibility for the conservation or management of fish or wildlife.

4. Forest Management

a. Management Requirements. As part of the integrated management of natural resources, installation commanders shall review the suitability of their lands for merchantable forest products. Installations containing forests or lands with the potential to grow and produce merchantable forest products shall ensure the optimum sustainable yield of forest products and the improvement of forest resources consistent with the military mission and local ecosystem condition. When appropriate, installation INRMPS will include current forest inventories, conditions, trends, and potential uses; silvicultural goals; maintenance of forested areas and access roads; forest and stand improvement methods; harvesting and reforestation methods and schedules; and protection and enhancement of other natural resources.

b. Forest Product Sales. Per references (l) and (m), Marine Corps contracts for the sale of timber and other forest products shall include requirements for orderly harvesting, operational procedures, and payment. Forest products will not be donated; abandoned; carelessly destroyed; used to offset

costs of contracts; or traded for products, supplies, or services. Proceeds collected from the sale of installation forest products shall be forwarded to the servicing Marine Corps accounting and finance officer. Each installation selling forest products shall maintain records of sales proceeds by fiscal year for use in identifying the host State's share of forest product sale proceeds (subsection (e)(1) of reference 1)).

c. Accounting and Use of Forestry Proceeds. Installations incurring costs for the production of forest products shall be reimbursed from proceeds from forest product sales (subsection (d) of reference (1)). Reimbursable forest product costs, however, must be directly related to the economic production of forest products (i.e., directly related to forest enhancement, protection, conservation, and management). Insofar as they meet this test, forest product costs may also include funding forest management cooperative agreements and forest research agreements. Reimbursable production costs exclude expenses for the production of forests that are incapable of economic production of forest products.

d. Forest Pest Suppression. Installations with forest resources shall fully cooperate in the planning, coordination, and execution of field operations to prevent and suppress forest damage and insect and disease outbreaks. This cooperation, when determined to be necessary by either the Regional United States Forest Supervisor or the cooperating state forestry department or commission, shall be consistent with the terms of reference (n).

5. Outdoor Recreation

a. Recreation Opportunities. Installations shall provide the public access to natural resources, provided such access is consistent with natural resources and military readiness preservation.

b. Off-Road Vehicles. Recreational off-road vehicle use on installations shall be permitted only on trails and other areas designated by installation commanders. Installations shall

monitor unimproved roads to detect off-road vehicle impacts and, thereby, protect sensitive natural, cultural, and geophysical resources.

6. Environmental Restoration

a. Natural Resources Trustees. The CERCLA "natural resources" definition includes "land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources..." Reference (o) designates the President as the trustee for Federally-protected or managed natural resources. Reference (p) designates the President's natural resources trustee responsibilities on Department of Defense (DOD) lands to the DOD. Accordingly, the Marine Corps serves as the natural resources trustee for its natural resources.

b. Natural Resources Trustee Responsibilities. After receiving notice of, or discovering, a natural resources injury, loss, or threat, a natural resources trustee shall take actions to recover for such damages. These actions include conducting a preliminary survey of areas affected by a discharge or release to determine if natural resources are or may be affected; cooperating with the On-Scene Coordinator/Regional Project Manager in coordinating assessments, investigations, and planning; and carrying out a plan for restoration, rehabilitation, replacement, or acquisition of equivalent natural resources. The Marine Corps may take these actions when acting as a natural resources trustee.

c. Ecological Risk Assessments. The Marine Corps performs ecological risk assessments during the remedial investigation/feasibility study phase of each CERCLA remedial action. Reviewing these assessments requires natural resource expertise, and installation natural resources personnel should, to the greatest extent practicable, review ecological risk assessments for their installation.

11105. DEFINITIONS

1. Adaptive Management. Adaptive management is an approach to treat all management decisions as experiments to be tested. Rather than immediately prescribe a management decision, the manager working in an adaptive fashion tests possible solutions to problems using a scientific method, complete with variable

controls and measures of success. This approach welcomes new ideas, new data, and revision of plans when better approaches are possible.

2. Agricultural Outleasing. The use of DOD lands under a lease to an agency, organization, or person for the purpose of growing crops or grazing domesticated animals.

3. Annual Operational Plan. An INRMP management section addendum prepared annually to describe current fiscal year land management projects and their cost.

4. Biodiversity. The diversity of life and its processes: living organisms, the genetic differences among them, and the communities and ecosystems in which they occur.

5. Biological Assessment. As defined by section 402.02 of reference (q). Within reference (q) are the minimum requirements for inclusion in a biological assessment for ESA regulatory consultation.

6. Candidate Species. Any species being considered under reference (i) by the Secretary of the Interior or Commerce for listing as an endangered or threatened species, but not yet the subject of a proposed rule.

7. Coastal Zone. As defined by section 1453(l) of reference (b).

8. Conservation. (When generally used in this chapter apart from the discussion per reference (i)), the planned management, use, and protection of natural resources to provide their sustained use and continued benefit to present and future generations.

9. Conservation Law Enforcement Officer. A person, having satisfied the minimum conservation officer training requirements and other position prerequisites of reference (r), serving in an installation position with primary responsibility for enforcing conservation and natural and cultural resources protection laws.

10. Critical Habitat. As defined in section 1532 (5)(A) of reference (i) and section 402.02 of reference (q).

11. Damages. As defined in section 11.14(1) of reference (s).
12. Ecological Risk Assessment. An investigation into the actual or potential impacts of contaminants from a hazardous waste site on plants and animals other than humans or domesticated species.
13. Ecosystem. A dynamic, natural complex of living organisms interacting with each other and with their associated nonliving environment.
14. Ecosystem Management. A goal-driven approach to managing natural and cultural resources that supports present and future mission requirements; preserves ecosystem integrity; is at a scale compatible with natural processes; is cognizant of natural processes' time scales; recognizes social and economic viability within functioning ecosystems; is adaptable to complex, changing requirements; and is realized through effective partnerships among private, local, State, tribal, and Federal interests. Ecosystem management is a process that considers the environment as a complex system functioning as a whole, not as a collection of parts, and recognizes that people and their social and economic needs are a part of the whole.
15. Endangered or Threatened Species. As respectively defined in sections 1532(6) and (20) of reference (i).
16. Exotic Species. As defined in reference (t), all species of plants and animals not naturally occurring, either presently or historically, in any ecosystem of the United States.
17. Fish and Wildlife Management. A coordinated program of actions for conserving, enhancing, and regulating indigenous wildlife and its habitats, including conserving protected species and non-game species, managing and harvesting game species, reducing bird aircraft strike hazards, and controlling animal damage.
18. Forest Management. A coordinated program of actions for ensuring that the health, vigor, and diversity of forest ecosystems are maintained while providing a diverse, quality military training environment and sustaining the production of forest products. Major forest management actions include forest administration, timber management, timber inventory, reforestation, timber stand improvement, timber access road

construction and maintenance, integrated pest management, and fire management.

19. Forest Products. All plant materials in wooded areas that have commercial value.

20. Game Species. Fish and wildlife that may be harvested in accordance with applicable Federal, State, and local laws.

21. Grounds. All land areas not occupied by buildings, structures, pavements, and other facilities. Grounds may be classified as improved (those near buildings), semi-improved (those near runways and roads), or unimproved.

22. Habitat. An area where a plant or animal species lives, grows, and reproduces, and the environment that satisfies their life requirements per reference (u).

23. Injury. As defined in section 11.14(v) of reference (s).

24. Invasive species. As defined in reference (v), an alien species whose introduction does, or is likely to cause, economic or environmental harm or harm to human health.

25. INRMP. A planning document using ecosystem management principles directing the management and conservation of installation natural resources.

26. Land Management. Programs and techniques to manage lands, wetlands, and water quality, including soil conservation, erosion control, nonpoint source pollution, surface and subsurface waters, habitat restoration, control of noxious weeds and poisonous plants, agricultural outleasing, grassland/rangeland management, identification and protection of wetlands, watershed protection, floodplains management, landscaping, and grounds maintenance.

27. Natural Resources. As defined in section 11.14(z) of reference (s).

28. Natural Resources Trustee. Federal trustees are those agencies which have statutory responsibility to protect or manage natural resources or stewardship responsibility as a manager of Federally-owned land. State agencies and Native American tribes also may be trustees.

29. Nongame Species. Species not harvested for recreation or subsistence purposes. As defined in reference (u).
30. Nonpoint Source Pollution. Any source of water pollution that does not meet the CWA definition of point source. Nonpoint source pollution is normally associated with diffuse runoff from rainfall or snowmelt.
31. Noxious Weeds. As defined in section 7702 of reference (w).
32. Off-Road Vehicle. As defined in reference (x), any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and (C) any vehicle whose use is expressly authorized by the Marine Corps under a permit, lease, license, or contract.
33. Outdoor Recreation. Program, activity, or opportunity dependent on the natural environment. Examples are picnicking, bird watching, off-road vehicle use, hiking, wildlife and scenic river use, and primitive camping. Developed or constructed facilities such as golf courses, tennis courts, riding stables, lodging facilities, boat launching ramps, and marinas are not included as defined in reference (u).
34. Stewardship. The responsibility to inventory, manage, conserve, protect, and enhance natural resources entrusted to one's care in a way that respects the intrinsic value of those resources, and the needs of present and future generations.
35. Waters of the United States. As defined in references (y) and (z).
36. Watershed. An area where rain, snow, sediment, and dissolved material drains to a river, lake, wetland, or other common point body of water.
37. Wetlands. As defined in references (y) and (z).

CHAPTER 11

NATURAL RESOURCES MANAGEMENT

SECTION 2: MARINE CORPS POLICY

11200. GENERAL

1. Stewardship. Natural resources under Marine Corps stewardship and control shall be managed to support military readiness and be conserved, preserved, protected, rehabilitated, and enhanced. Land use practices and decisions shall be interdisciplinary and maintain military readiness, rely on scientifically sound conservation procedures and techniques, and employ scientific methods.

a. Procedures. Natural resources stewardship is an important and identifiable responsibility of command to maintain use of Marine Corps lands for mission requirements. Each installation shall establish procedures to ensure commanders on the installation are aware of:

(1) The condition of natural resources available to them;

(2) Any installation INRMP objectives and requirements applicable to them; and

(3) Any foreseeable or actual conflicts between their proposed actions and any installation INRMP objectives and requirements.

b. Management. Each installation shall possess a natural resources program manager with responsibilities including making the installation commander aware of the condition of installation natural resources, the INRMP's objectives, and the potential or actual conflicts between natural resources management and maintaining military readiness and the capability of installation lands to support the installation's mission. Natural resources management shall encourage installation natural resources staff to participate in natural resources training and seminars.

c. Proposed Actions. The Marine Corps acts responsibly and in the public interest to restore, improve, preserve, and properly use installation natural resources to provide a landscape suitable for military mission accomplishment. Marine Corps plans, actions, and programs shall consider installation natural resources stewardship. Each action sponsor of a proposed new or continuing action affecting installation natural resources shall coordinate the proposal with installation natural resources managers. Each action sponsor shall, to the extent practicable, implement the natural resources manager's recommendations for minimizing adverse impacts to installation natural resources.

d. Outsourcing. Managing (including planning, implementation, and enforcement functions) and conserving Marine Corps natural resources are inherently Governmental functions that shall not be outsourced by the Marine Corps under the DOD Commercial Activities Program or an installation operating services contracts.

e. Non-Installation Natural Resources. The Marine Corps shall apply stewardship to non-installation natural resources, including marine mammals, coral reefs, land, and water potentially affected by Marine Corps military training and testing.

2. Ecosystem Management. The Marine Corps shall incorporate ecosystem management in installation land use planning and land management. Installation ecosystem management shall use adaptive management techniques.

3. Natural Resources Management. Each Marine Corps installation shall:

a. Preserve access to air, land, and seaspaces to meet military readiness requirements;

b. Comply with applicable natural resources protection requirements (e.g., laws, E.O.s, and regulations);

c. Provide public access to installation lands, where practicable, provided such access does not conflict with military readiness and does not harm sensitive installation natural resources; and

d. Participate in regional ecosystem management partnerships provided such participation does not conflict with military readiness and does not harm installation natural resources.

4. INRMP Preparation

a. General

(1) Each INRMP shall assist the installation commander to conserve, preserve, protect, rehabilitate, and enhance installation natural resources while maintaining military readiness and the capability of installation lands to support the installation's mission. Installation INRMPs, including revisions, shall be prepared in cooperation with FWS and the appropriate fish and wildlife agency for the State in which the installation is located.

(2) An installation shall prepare an INRMP when it supports: endangered or threatened species and/or critical habitat, substantial wetland areas, or large areas (e.g., 50 or more acres) used for military readiness purposes that require care (e.g., actions to prevent soil erosion).

(3) The entire INRMP - not just those portions of the INRMP that specifically address fish and wildlife management - shall be prepared in cooperation with FWS and the appropriate State fish and wildlife agency. This cooperation as "parties" begins at the INRMP's developmental stage and extends through its preparation, revision, and completion. Cooperation informs FWS and the State fish and wildlife agency of the installation's mission, invites them to consider solutions to natural resources management challenges, and expedites final INRMP coordination. Though not required per reference (aa), each installation should prepare its INRMP also in coordination with NOAA Fisheries when it supports trust resources under NOAA Fisheries jurisdiction.

(4) The final INRMP shall reflect the parties' agreement concerning conservation, protection, and management of fish and wildlife resources. While agreement is the goal of the entire plan, agreement among the parties is only required for those elements of the plan where the installation is subject to the legal authority (i.e., authority derived from a source other

than reference (aa), such as reference (i)) of FWS and state fish and wildlife agency to conserve, protect, and manage fish and wildlife resources.

(5) The final INRMP shall not enlarge or diminish the existing responsibility and authority of FWS or a State fish and wildlife agency concerning installation natural resources management. Although not anticipated, where FWS or a State fish and wildlife agency withholds their agreement with an INRMP based on objections to elements of the INRMP clearly not within the agency's authority, an installation may, notwithstanding the objections, finalize its INRMP and proceed to manage its natural resources in accordance with its terms.

b. Cooperation

(1) At least 30 days before preparing or revising its INRMP, each installation shall provide all internal and external stakeholders written (e.g., letter, email) notice of its intent to begin the action. External stakeholders include FWS, the State fish and wildlife agency, and organizations and individuals holding installation real property interests. When providing this notice to FWS and the State fish and wildlife agency, the installation shall request FWS and the State fish and wildlife agency to cooperate in the INRMP's preparation, revision, and completion. The installation shall also request that FWS and the State fish and wildlife agency identify their desired number of draft and final documents and the preferred form (e.g., electronic file, hard copy) of receiving them.

(2) The FWS office for initial installation contact is the local FWS field office (attn: Sikes Act Coordinator) because a field office must review the draft INRMP and provide preliminary agreement concerning the INRMP's conservation, protection, and management of fish and wildlife resources provisions before it may be reviewed in the FWS regional office and the FWS Regional Director takes final action on it. An installation may contact its FWS regional coordinator for help in contacting a FWS field office.

(3) At least 60 days before providing a Draft INRMP for review, each installation shall provide FWS and the State fish and wildlife office written notice of its intent to take the action. When providing FWS and the State fish and wildlife office a draft INRMP for review, each installation shall

identify the review period in writing and request written acknowledgement of the draft's receipt within 15 days after its receipt.

(4) The FWS field office and the State fish and wildlife office should provide written comments to the installation within the requested review period and send copies of their comments to the Sikes Act Coordinator at the FWS regional office and the State fish and wildlife agency director's office.

(5) Each installation shall provide the public a meaningful opportunity to review and comment on the INRMP draft. Installations should afford this opportunity that, absent extraordinary circumstances, shall be a minimum of 30 days of public review and comment during the NEPA analysis of INRMP preparation or revision.

(6) Each installation shall consider all comments received and send the FWS regional office (exception: The Manager of the California/Nevada Operations office will coordinate on INRMPS for installations in California and Nevada) and the State fish and wildlife agency director's office a draft final INRMP for approval with a writing documenting the actions taken on all comments to previous INRMP drafts. Each installation shall request written acknowledgement of the draft final INRMP's and the written response to comments' receipt within 15 days after their receipt. Each installation shall also give the FWS field office a copy of the written response to comments.

(7) When forwarding the draft final INRMP for review and approval, each installation shall request the FWS regional office and the State fish and wildlife agency director's office to act on the draft final INRMP within 60 days after their agencies' receipt, unless the parties agree on a longer period. The FWS Regional Director's and the State fish and wildlife agency director's written concurrence constitutes the parties' agreement concerning the INRMP's conservation, protection, and management of fish and wildlife resources. The installation commander's signature on the final INRMP completes the INRMP approval process. However, the installation commander shall not sign the INRMP until the INRMP's NEPA analysis is complete.

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(8) When INRMP development requires ESA Section 7 consultation, or when the installation requests its INRMP serve in lieu of designating critical habitat for an endangered or threatened species, the cooperation timeline discussed above may be modified for FWS, and FWS may comment apart from its INRMP review. When this occurs, the installation shall request, in writing, the FWS regional and field offices notify the installation of the appropriate review timeline within 15 days after their receipt of the draft INRMP.

(9) Unless otherwise agreed, if the FWS regional office and the State fish and wildlife agency director's office fail to act on the draft final INRMP within 60 days after their agencies' receipt, the installation shall request HQMC assistance in facilitating review.

c. Internal Coordination

(1) The installation INRMP shall be prepared or revised with the assistance of an installation multi-disciplinary team, including natural resources professionals, tenant military organizations, the installation comptroller, the facility planner, and counsel. This multi-disciplinary team shall ensure each INRMP is prepared or revised considering installation planning documents, including master plans, range plans, training plans, integrated cultural resources management plans, pest management plans, bird-aircraft strike hazard reduction plans, installation restoration plans.

(2) The installation INRMP shall briefly summarize the interrelationships with installation planning documents. It shall also identify where the documents may be obtained for additional information.

(3) If INRMP preparation or revision exceeds the installation's internal capability, the installation may request the cognizant Naval Facilities Engineering Command (NAVFACENGCOM) Engineering Field Division/Activity (EFD/EFA) or the USACE district to prepare the INRMP. The installation may also contract its INRMP preparation with other Federal or State agencies or private contractors, provided the installation INRMP preparation or revision continues with the assistance of an installation multi-disciplinary team.

d. Process. Installation INRMP preparation or revision shall use adaptive management techniques. An adaptive management approach to INRMP preparation or revision includes the following iterative steps:

- (1) Identify stakeholders;
- (2) Identify military readiness mission and other land use requirements;
- (3) Identify installation management requirements;
- (4) Identify natural resources management objectives;
- (5) Develop and evaluate natural resources management courses of action (with stakeholder participation);
- (6) Select and implement the selected natural resources management course of action;
- (7) Monitor and assess results; and
- (8) Revise natural resources management planning as necessary.

e. Consultation with American Indian Tribes

(1) Each installation shall consult with Federally Recognized Indian Tribes with interests that may be affected by INRMP preparation or revision. These interests vary. For example, the INRMP may affect traditional subsistence and medicinal resources and the character of sacred and religious sites. Indian tribes may have interests in timber thinning, prescribed burning, recreational access to lands, and agricultural practices. A treaty may also affect INRMP development, such as when an Indian tribe has guaranteed access to fish, game, and other natural resources on or adjacent to the installation.

(2) Procedures for consulting with Federally Recognized Indian Tribes are found in Chapter 8. During consultation, an Indian tribe may raise any number of matters, such as identifying installation areas and resources important to the tribe, providing advice on conservation needs and priorities, and sharing their specialized knowledge of installation natural

resources. Consultation may require the installation INRMP to preserve American Indian tribal interests, such as managing culturally important game and plant species (e.g., restricting herbicide use in gathering areas). In consultation, native Hawaiian organizations are not afforded the same legal status as Federally Recognized Indian Tribes or Alaska Native governments. However, an installation shall seek comments from native Hawaiian organizations with interests that may be affected by INRMP preparation or revision.

f. INRMPs and Critical Habitat Designation

(1) Reference (i) permits Marine Corps lands to be excluded from critical habitat designation when such lands are managed in accordance with an approved INRMP that provides a benefit to the endangered or threatened species. Accordingly, each installation possessing endangered or threatened species, candidate species, or unoccupied habitat where critical habitat may be designated, shall evaluate within the INRMP the benefits of managing the species and/or habitat. This evaluation shall be clearly identifiable in the INRMP and should be identified in the INRMP's Table of Contents.

(2) Each installation evaluating the benefits of managing the species and/or habitat shall use the following FWS criteria to determine whether an INRMP provides a benefit to the endangered or threatened species:

(a) The INRMP provides a conservation benefit to the species. The cumulative benefits of the management activities identified in the INRMP, for the length of the plan, must maintain or provide for an increase in a species' population, or the enhancement or restoration of its habitat within the area covered by the INRMP (i.e., those areas deemed essential to the conservation of the species). A conservation benefit may result from reducing fragmentation of habitat, maintaining or increasing populations, ensuring against catastrophic events, enhancing and restoring habitats, buffering protected areas, or testing and implementing new conservation strategies.

(b) The INRMP provides certainty that it will be implemented. Persons charged with INRMP implementation are capable of accomplishing its objectives and have adequate funding for it. They have the authority to implement the INRMP and have obtained all the necessary authorizations or approvals.

An implementation schedule (including completion dates) for the conservation effort is provided in the INRMP.

(c) The INRMP provides certainty that the conservation effort will be effective. The following INRMP components will be evaluated when determining the conservation effort's effectiveness: (i) biological goals (i.e., broad guiding principles for the program) and objectives (i.e., measurable targets for achieving the goals); (ii) quantifiable, scientifically valid parameters for demonstrating achievement of objectives, and standards for these parameters by which progress will be measured; (iii) provisions for monitoring and, where appropriate, adaptive management; (iv) provisions for reporting progress on implementation (based on compliance with the implementation schedule) and effectiveness (based on evaluation of quantifiable parameters) of the conservation effort; and (v) a duration sufficient to implement the plan and achieve the benefits of its goals and objectives.

g. Annual Reporting

(1) Before 1 January of the current calendar year, each installation shall annually send FWS and the State fish and wildlife agency a written report of INRMP implementation actions taken during the preceding fiscal year. When making this report, each installation shall request comments from FWS and the State fish and wildlife agency about INRMP implementation effectiveness and whether they believe the INRMP is being fully implemented. Each installation with an INRMP is also required to use the Department of the Navy Natural Resources Metrics Builder as the tool for accomplishing the required INRMP annual review. The Metrics Builder is a web-based tool that includes seven-focus areas. Key focus areas are INRMP implementation, partnership effectiveness, INRMP team adequacy, impact on the mission, status of Federally-listed species and habitat, ecosystem integrity, and fish and wildlife management and public use. The objectives of the key focus areas are as follows:

(a) Assessment of INRMP Implementation. Determine if INRMP projects are properly developed and entered into the system for resourcing, document funding received, projects accomplished, and whether they meet expectations.

(b) Assessment of Listed Species and Critical Habitat. Determine if conservation efforts are effective and if

the INRMP provides the conservation benefits necessary to preclude designation of critical habitat.

(c) Assessment of Partnership Effectiveness. Determine if the partnership between the INRMP team is cooperative and resulting in the effective implementation of the INRMP.

(d) Assessment of Fish and Wildlife Management and Public Use. Rate the availability of public recreational opportunities such as fishing and hunting, given the existing security requirements for the installation.

(e) Assessment of Team Adequacy for Natural Resources Management. Determine if the Natural Resources Team is adequately supported and appropriately trained to implement INRMPs.

(f) Assessment of Ecosystem Integrity. Determine the integrity of the various installation habitats through the development of a simple protocol, using "indicator species" or possibly just the review team's subjective reasoning and consensus.

(g) Assessment of INRMP Impact on the Installation Mission. Measure the level to which existing natural resources compliance requirements and associated actions support the installation's ability to sustain the current operational mission.

(2) Before 15 December of the current calendar year, each installation shall annually, for a reporting period covering the preceding fiscal year, provide CMC (LFL) the following information for subsequent use in reporting progress towards meeting environmental goals:

- (a) The installation name and applicable state(s);
- (b) The fiscal year the most recent INRMP was completed or revised;
- (c) The date planned for the next INRMP revision;

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(d) Whether and how the most recent INRMP was coordinated with appropriate operations and training personnel and tenant military organizations;

(e) Whether projects were added to the most recent INRMP from operations and training personnel and tenant military organization comments;

(f) Whether comments about INRMP implementation effectiveness were requested from operations and training personnel and tenant military organizations;

(g) Whether comments about INRMP implementation effectiveness were received from operations and training personnel and tenant military organizations;

(h) Whether FWS agreed to any of the most recent INRMP's elements concerning conservation, protection, and management of fish and wildlife resources;

(i) Whether projects were added to the most recent INRMP from FWS comments;

(j) Whether comments about INRMP implementation effectiveness were requested from FWS;

(k) Whether comments about INRMP implementation effectiveness were received from FWS;

(l) Whether the State fish and wildlife agency agreed to any of the most recent INRMP's elements concerning conservation, protection, and management of fish and wildlife resources;

(m) Whether projects were added to the most recent INRMP from State fish and wildlife agency comments;

(n) Whether comments about INRMP implementation effectiveness were requested from the State fish and wildlife agency;

(o) Whether comments about INRMP implementation effectiveness were received from the State fish and wildlife agency;

(p) Whether the most recent INRMP contains a list of projects necessary to meet INRMP goals, objectives, and timeframes for implementing projects to conserve, preserve, protect, rehabilitate, and enhance installation natural resources;

(q) The following INRMP implementation FY funding matters:

1. Funding required for Class 0 and 1 projects;
2. Amounts funded for Class 0 and 1 projects;
3. Funding required for Class 0 and 1 projects;
4. Amounts funded for Class 2 and 3 projects;
5. Funding requested for Class 2 and 3 projects;

6. A list of unfunded Class 0 and 1 projects greater than \$50K; and

7. An explanation of why each Class 0 and 1 project greater than \$50K is unfunded;

(r) Whether the installation received public comment on the draft of the most recent INRMP; and

(s) Whether projects were added to the most recent INRMP from public comments.

h. Compliance with Other Environmental Requirements. INRMP development may affect natural resources other than endangered and threatened species (e.g., wetlands, cultural resources, surface water, and air) and may require other Federal, State, or local environmental compliance regulatory involvement. Each installation shall, as necessary, consult with environmental compliance regulators early in the INRMP preparation or revision process (e.g., submit the INRMP to the state Historic Preservation Officer during Section 106 consultation in compliance with reference (ab)). Environmental compliance consultation requirements (e.g., permitting or other approval) shall, to the extent practicable, be complete before INRMP completion.

i. Public Availability. The final installation INRMP is generally subject to public disclosure. Unclassified portions of final INRMPs shall be available electronically via the World Wide Web, CD-ROM, or other similar means. All INRMPs should undergo Freedom of Information Act review, particularly for national security and sensitive information, before being disclosed to the public. For example, the specific locations of natural and cultural resources subject to pilfering or vandalism should not ordinarily be disclosed.

5. Coastal Zone Management

a. General. Marine Corps activities (e.g., operations, projects, and programs undertaken by or on behalf of the Marine Corps) that affect any land, water use, or natural resource of the coastal zone shall be carried out in a manner consistent, to the maximum extent practicable, with the enforceable policies of the coastal state's approved management program.

b. Wetlands Protection. Installations and units shall minimize the loss or degradation of coastal wetlands, enhance the natural value of wetlands, and protect water quality. Each installation shall support State development and implementation of any coastal nonpoint pollution control program affecting Marine Corps lands by identifying nonpoint sources, commenting on proposed management measures, and coordinating nonpoint source compliance efforts with the state.

6. Partnerships. Installations shall encourage the use of partnerships and volunteers, under the direction and approval of installation natural resources personnel, in connection with promoting natural resources management on the installation and facilities and programs for public outdoor recreation. Examples of effective partnership programs include Coastal America, Partners In Flight, Student Conservation Association, and the Chesapeake Bay Initiative. Each partnering or cooperating agreement in which installations formally participate must recognize that:

a. The primary Marine Corps national defense mission is to organize, train, and equip to provide Fleet Marine Forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may

be essential to the prosecution of a naval campaign. Marine Corps training on installations is vital to fulfilling this mission;

b. Actions specified in partnership or volunteer agreements shall not detract from Marine Corps national defense missions;

c. Installation lands shall not be used for mitigating off-installation, nonmilitary action impacts to the environment off the installation; and

d. Installation lands shall not be set aside as permanent environmental preserves. The Marine Corps must maintain the flexibility to adapt its installation land use to respond to evolving United States' national defense strategy.

7. Exotic Species. Installations shall restrict the introduction of exotic species into any natural ecosystem, and exotic species shall not be deliberately introduced into any installation natural ecosystem unless the installation determines in accordance with NEPA process that such an action would have no adverse impact. Exotic species control and removal measures, when determined to be practical and environmentally advantageous, shall be included in the installation INRMP.

8. Natural Resources Program Funding

a. Budgeting. Installation commanders shall ensure natural resources management funding is included within their installation Program Objective Memorandum submittals. Funds from other sources (e.g., agricultural outleasing, forestry, and hunting and fishing user fees) may also be available to supplement natural resources management program funding. Installations should not rely on other funding sources, however, because their availability fluctuates and is beyond DOD control.

b. INRMP Execution. The installation commander's signature on the final INRMP completes the INRMP and constitutes a commitment to seek funding and execute, subject to the availability of funding, all "must fund" projects and activities in accordance with the timeframes identified in the INRMP.

9. Natural Resources on Installations Identified for Closure. The disposition of natural resources on installations proposed

for closure shall be considered in installation disposal and reuse NEPA analysis. Conservation easements may be granted on closing-installation real property with significant ecological, cultural, scenic, recreational, or educational value.

The Marine Corps shall, in accordance with installation closure and reuse requirements, consider transferring real property on closing installations to conservation agencies or other organizations.

11201. LAND MANAGEMENT

1. Land Management. As applicable, installation INRMPs shall address the conservation, preservation, protection, rehabilitation, and enhancement of ecosystems, soils, water resources, wetlands and watersheds, estuaries, soil and water conservation, biodiversity, semi-improved and unimproved grounds maintenance, nonpoint source pollution control, landscaping, agricultural uses and potential uses, fire management, insect and disease management, range/grassland conditions and trends, critical or unique coastal barrier systems, critical habitats, and other special interest areas and the impact on natural resources from maintaining military readiness and the capability of installation lands to support the installation's mission. Installation INRMPs and the installation master plan shall also identify the boundaries of endangered and threatened species habitat, wetlands, and other geographically specific areas (e.g., highly erodable soils) important to natural resources stewardship.

2. Use of Native Plants in Landscaping. Each installation shall use environmentally and economically beneficial landscaping practices. Each installation shall, to the extent practicable, use regionally-native plants for landscaping, soil conservation, water conservation projects, and other natural resources management projects. Guidance for implementing this policy is contained in references (ac) and sections 2(d) and 3(a) of reference (ad).

3. Wetlands. In order to comply with the national policy to permit no overall net loss of wetlands, installations and units shall, as applicable:

a. Avoid, to the maximum extent practicable, wetlands destruction or degradation. Any installation or unit proposed action that cannot be sited to avoid a wetland shall be designed to minimize wetland degradation and shall include regulatory agency-required compensatory mitigation. Marine Corps land, lands of other entities, and wetland banks operated by governmental agencies or private organizations may be used for Marine Corps project compensatory mitigation when regulatory authority authorizes such use.

b. Request the Assistant Secretary of the Navy (Installations and Environment) approve/disapprove all installation permanent wetlands resource area proposals. Any installation agreement to a deed restriction on government property for the purpose of maintaining wetlands in perpetuity, however, requires property disposal authority delegated from the General Services Administration. Headquarters Marine Corps, Facilities and Services Division (CMC (LF)) shall approve/disapprove each non-Marine Corps entity request to mitigate a non-Marine Corps proposed project on Marine Corps land. This approval/disapproval is based on the installation's ability to maintain military readiness and support the installation's mission requirements, the nexus of the proposed project to the land at issue, and whether granting the request is in the best interests of the United States.

c. Evaluate impact of proposed actions significantly affecting wetlands pursuant to reference (ae) (See Chapter 12 of this Manual).

d. Map installation wetlands boundaries and distribute maps depicting them to facility planners, range control, installation tenants, and other potential users.

e. Maintain installation technical expertise for wetlands protection, management, identification, surveying, and mapping.

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f. In all installation master plans, identify land suitable for preserving, creating, enhancing, and restoring wetlands. The Marine Corps encourages installation wetlands creation or enhancement projects and wetland banking, where compatible with maintaining military readiness and the capability of installation lands to support the installation's mission.

4. Nonpoint Source Pollution. Installations shall develop and implement nonpoint source pollution management programs emphasizing nonpoint source pollution prevention from ground-disturbing actions (e.g., military training and natural resources management).

5. Soil Conservation. Installations shall incorporate soil and water conservation measures and landscaping with native vegetation, as appropriate, in the preliminary engineering, design, and construction of facilities involving ground disturbance. They shall also require erosion prevention and control measures in the specifications for all ground-disturbing construction projects. Erosion prevention and control measure costs shall also be specifically identified in new project investigations and preliminary engineering reports.

6. Agricultural Outleasing

a. Outlease Agent. The NAVFACENGCOM is the Marine Corps agricultural outleasing agent, and installations may obtain agricultural outleasing assistance from the cognizant NAVFACENGCOM EFD/EFA. The EFD/EFA negotiate, execute, and administer real estate instruments, appraise land, and provide cadastral support.

b. Money Rentals. The NAVFACENGCOM shall deposit agricultural outlease money rentals in a special account in the Treasury to be used in accordance with reference (g) and as directed in references (af) and (ag).

c. Outlease Plan. Each agricultural outlease shall contain an outlease plan. The outlease plan shall contain:

(1) As part of the outleasing contract, a soil and water conservation plan that:

(a) Establishes specific practices and/or projects and an implementation schedule to be performed by the lessee to

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protect and improve the productivity and fertility of the land;
and

(b) Requires restoration of the leasehold upon termination of the lease.

(2) Agricultural and pest management practices for maintaining compliance with State and Federal regulatory requirements and consistency with maintaining military readiness and the capability of installation lands to support the installation's mission.

d. Other Instruments. The installation CG/CO shall sign all outlease contracts, supplemental outlease agreements, and agricultural outlease plans.

e. NEPA Compliance. NEPA compliance shall be complete before the installation commander signs the outlease contract.

7. Agricultural Outlease Proceeds. Installation agricultural outleasing administrative expenses that may be funded with money rental proceeds are generally limited to supervisory, technical, clerical, legal, and accounting costs attributable to agricultural outleasing and financing of installation multiple land use management programs. These expenses, which include initiating new leases and administering existing leases, are prioritized in the following order:

a. Costs, including personnel-related costs, directly attributable to agricultural outlease management;

b. Costs of developing and implementing the INRMP and supporting natural resources management programs;

c. Costs of improving or rehabilitating agricultural outlease land and natural resources to enhance agricultural productivity;

d. Costs of improving or rehabilitating land and water resources for soil and water conservation;

e. Costs of improving land and water resources for enhancing fish and wildlife habitat;

f. Costs of improving land and water for outdoor natural resources recreational use;

g. Costs of travel and training supporting integrated natural resources management programs; and

h. Procurement, maintenance, and repair costs for equipment and materials supporting integrated natural resources management programs and projects.

8. Agricultural Outleasing Fund Provisions. CMC (LF) provides installations with agricultural outlease funds to support natural resources management operations. These funds shall only be used for natural resources management operations and shall not be transferred to other accounts or used for any other purpose. Installation natural resources management expenditures shall be consistent with the INRMP. Natural resources management program expenses that may be funded with agricultural outlease money rental proceeds do not include:

a. Mitigation or compensation for damages to natural resources caused by construction projects or military activities;

b. Costs of the production of forest products (e.g., lumber);

c. Costs of recurring grounds maintenance on improved and semi-improved grounds (e.g., mowing, fertilizing, irrigating, seeding, pruning, ornamental planting, and pest control);

d. Archaeological/cultural resources survey costs and other cultural resources management costs unrelated to natural resources management;

e. Costs of animal damage control unrelated to natural resources management. However, costs of controlling or reducing bird and animal aircraft strike hazards are not excluded; and

f. General environmental and facilities organizational support costs unrelated to natural resources management.

11202. FISH AND WILDLIFE MANAGEMENT

1. Endangered and Threatened Species

a. General. The Marine Corps shall implement a fish and wildlife management program that complies with ESA consultation requirements.

b. Recovery. The Marine Corps shall enhance the recovery of endangered or threatened species and their habitats.

c. Candidate Species. Each installation shall inventory and monitor candidate species to evaluate and document any effects that military activities may have upon them.

d. State-Listed Species. Reference (i) does not protect state-listed species. However, each installation should inventory and monitor them because reference (ae) may require an installation or unit consider a proposed action's impacts on state-listed species and state laws and regulations may govern their possession, propagation, sale, or taking on the installation.

2. Management

a. Cooperative Agreements. In addition to the use of partnerships and volunteers to promote natural resources management on the installation, installation CGs/COs may execute cooperative agreements with other State and local agencies to exchange information, conduct research, or study projects contributing to installation INRMP preparation and implementation.

b. Natural Resources Law Enforcement

(1) Enforcing natural resources protection laws, including laws protecting outdoor recreational activities depending on natural resources, shall be an integral part of the installation natural resources management program. The installation environmental or natural resources manager shall direct natural resources law enforcement and installation conservation law enforcement officer conduct.

(2) Installations permitting hunting, fishing, and/or trapping shall issue regulations for harvesting fish and

wildlife and develop procedures for enforcing applicable laws and regulations.

c. Hunting, Fishing, and Trapping Permit Fee Deposits.

Each installation shall deposit hunting, fishing, and trapping permit fee proceeds into the Budget Clearing Account (Suspense) Navy 17X5095. The permit fee proceeds shall be delivered to the local disbursing officer for deposit, supported by an original and three copies of the Cash Collection Voucher (DD Form 1131) containing the following accounting data:

(1) Marine Corps C 17X5095.27XX. (The last two digits of the subhead (i.e., XX) reflect the fiscal year.);

(2) Unit Identification Code (UIC) and the name of the generating installation;

(3) The stated purpose (e.g., "proceeds collected from the sale of installation hunting and fishing access licenses"); and

(4) The collection date (must be the date payment is received).

Each installation shall also forward a copy of the DD Form 1131 to CMC (LF).

d. Hunting, Fishing, and Trapping Permit Fee Use. Permit fee proceeds may be available to reimburse installation fish and wildlife enhancement program expenses. Each installation shall request authority from CMC (LF) to use these funds, and each request shall include:

(1) A financial summary of the installation's deposits to the Budget Clearing Account by prior fiscal year and current fiscal year;

(2) The unobligated balance of the installation's deposits to the Budget Clearing Account brought forward from the preceding fiscal year (actual); and

(3) An estimate of fees to be collected during the remaining current and the next fiscal years.

e. Each installation commander shall implement a fish and wildlife management program and ensure the program expenses funded with permit fee proceeds do not exceed the amount of permit fee proceeds authorized by CMC (LF) to be available to the installation from the Budget Clearing Account. Each installation's fish and wildlife permit fee receipts and expenditures accounting shall comply with references (ah) and (ai).

f. Private Organizations

(1) Installation rod and gun clubs, conservation organizations established as part of the command recreation program, and other private organizations may volunteer services to promote installation natural resources management and facilities and programs for public outdoor recreation on the installation.

(2) Membership in a private organization shall not be a prerequisite to hunt, fish, or trap on an installation. Similarly, an installation's acceptance of a private organization volunteered services supporting installation natural resources management and facilities and programs for public outdoor recreation on the installation shall not require or be conditioned on excluding the public in any way from hunting, fishing, or trapping on the installation.

(3) Any private organization membership fee shall exclude the cost of obtaining an installation hunting, fishing, or trapping permit on the installation when the installation permit fee is based, in part, under the provisions of the installation's INRMP.

(4) Installations shall not solicit or accept private organization representation before regulatory authority.

(5) Private organization programs and projects on the installation shall comply with the installation INRMP and other Base orders and instructions.

11203. FOREST MANAGEMENT

1. Management. Each installation shall manage its forest in accordance with the installation INRMP.

2. Proceeds. Each installation shall identify its forest product sale proceeds with the applicable cost accounting code.

3. Forest Management Installations

a. Installations. The following installations may implement a Forest Management Program:

- (1) MCB Quantico, VA;
- (2) MCAS Cherry Point, NC;
- (3) MCB Camp Lejeune, NC (including MCAS New River, NC);
- (4) MCAS Beaufort, SC;
- (5) MCRD Parris Island, SC; and
- (6) MCLB Albany, GA.

b. Forest Product Funds. Each installation implementing a forest management program may sell timber and other forest products. Subject to the availability of funds, CMC (LF) shall reimburse installations for their costs for the production of forest products. These funds shall only be used for reimbursable forest product costs and shall not be transferred to other accounts or used for any other purpose. Installation forest product expenditures shall be consistent with the INRMP.

4. Forestry Expenditures. Installations shall plan and report reimbursable forest product costs using Cost Account Codes 3B10 through 3B70 in compliance with reference (aj). Reimbursable costs of expenditures shall be directly related to the economic production of forest products and may include:

- a. Timber stand improvement;
- b. Reforestation;
- c. Forest protection;
- d. Timber access road maintenance;
- e. Timber sale administration;

- f. Timber management; and
- g. Equipment purchases.

5. Revenue Deposits. Installation forest product sale proceeds shall be deposited into the Budget Clearing Account (Suspense) Navy (17F3875). The forest product sale proceeds shall be delivered to the local disbursing officer for deposit, supported by an original and three copies of the Cash Collection Voucher (DD Form 1131) that must contain the following accounting data:

- a. Marine Corps C 17F3875.27XX. (The last two digits of the subhead (i.e., XX) reflect the fiscal year.);

- b. UIC and name of the generating installation;

- c. The stated purpose (e.g., "proceeds collected from the sale of forest products"); and

- d. The collection date (must be the date payment is received). Each installation selling forest products shall also forward a copy of the DD Form 1131 to the CMC (LF).

6. Reporting Requirements. The Forestry Program Report is required by the CMC (LF) for the installations listed above. Report Control Symbol DD-5090-05 is assigned to this reporting requirement.

11204. WILDLAND FIRE MANAGEMENT

1. Integrated Wildland Fire Management Policy. The Marine Corps adopts the following policies and standards by reference:

- a. The Federal Wildland Fire Management Policy and Program Review of 1995 (as updated, Jan 01),

- b. Interagency Strategy for the Implementation of the Federal Wildland Fire Management Policy, June 20, 2003,

- c. The National Wildfire Coordinating Group (NWCG), National Interagency Incident Management System Wildland Fire Qualification System Guide (PMS 310-1/NFES 1414),

- d. The National Fire Protection Association (NFPA) Standard 1051 - Standard for Wildland Firefighter Professional

Qualifications, NFPA Standard 1143 - Standard for Wildland Fire Management, and NFPA Standard 1144 - Standard for Protection of Life and Property from Wildfire,

e. DOD Instruction 6055.06, 21 Dec 06, DOD Fire and Emergency Services Program, and

f. Homeland Security Presidential Directive-5 (HSPD-5), National Incident Management System (NIMS).

2. Applicability

a. Installations with burnable acreage, or bordered by burnable acreage, will develop and implement a Wildland Fire Management Plan (WFMP). The WFMP will be incorporated into or consistent with the INRMP and the Integrated Cultural Resources Plan.

b. Installations and/or facilities with minor wildfire hazard and/or prescribed burning activities may be exempted from WFMP requirements by CMC (LF). WFMP exemption requests should explain the outcome of the risk analysis conducted by the installation or command (e.g., under normal or worst case conditions, wildfires would rarely threaten people or facilities).

3. Program Authority

a. The installation commander or appropriate designee, defines the roles and responsibilities for wildland fire management on the installation, plans and programs resources, and will designate an installation Wildland Fire Program Manager in either the Fire and Emergency Services (F&ES) or Conservation/Natural Resources organization.

b. The installation commander, or appropriate designee, approves the installation WFMP.

c. The installation Wildland Fire Program Manager, in coordination with the installation Conservation/Natural Resources Manager and/or F&ES Fire Chief, is responsible for development of the WFMP. Additionally, the Wildland Fire Program Manager, in coordination with the installation Conservation/Natural Resources Manager and/or the F&ES Fire Chief, reviews and approves burn plans for prescribed fires

consistent with the WFMP, the INRMP, and other applicable operating instructions.

d. The installation commander, or appropriate designee, approves the deployment of Marine Corps civilian firefighters to any off-installation incident. For F&ES firefighters, the installation commander may establish pre-deployment approval for responses covered by established mutual aid agreements.

4. Wildland Fire Organization Standards. Marine Corps organizations involved in wildland fire activities will incorporate NWCG and NIMS standards into their organizational structure when necessary to accommodate cooperation and integration with other Federal, State, and local wildland fire organizations across jurisdictional boundaries.

5. Training and Fitness Standards for Wildland Fire Management Personnel

a. Training Standards

(1) All civilian, contractor, and emergency services personnel involved in wildland fire management must be trained for their expected level of involvement in the wildland fire organization. Training shall meet the applicable NFPA or NWCG Standards for wildland fire activities. State training by the State in which the installation is located is also acceptable if appropriate for the personnel's expected level of involvement in wildland fire activities.

(2) Personnel in the fire protection and prevention GS-081 job series will meet the training standards specified in references (ak) and (ai), equivalent NWCG Driver/Operator Professional Qualification System Guide (PMS 310-1/NFES 1414) training or equivalent State training requirements. Personnel who have learned skills from outside wildfire suppression, such as agency specific training programs or training and work in prescribed fire, structural fire, law enforcement, search and rescue, etc. may not be required to complete specific courses in order to qualify in a wildland fire position. However, position task books must be completed for documentation of the training.

(3) Personnel in the natural resources job series (GS-401 thru GS-499), cultural resources (GS-0193), and natural/cultural resources contractors with jobs requiring

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wildland fire suppression responsibilities must meet either the certifications as per references (ak) and (al) or the equivalent NWCG Wildland Fire Qualification System Guide (PMS 310-1/NFES 1414) certifications.

(4) Personnel mobilized to participate in wildland fire management activities on Federal properties not under DOD jurisdiction, through the National Inter-Agency Fire Center (NIFC) and the Joint Director of Military Support (JDOMS) requests (see paragraph 12), must be certified for the expected level of involvement under NWCG standards. GS-081 job series and DOD contractor personnel that seek wildland fire certifications other than the NFPA Job Levels listed in Table 11.1 must comply with the appropriate NWCG criteria.

(5) Position descriptions for new hires that will participate in wildland fire activities will reflect the expected level of involvement and required training. Position descriptions for natural/cultural resources personnel with wildland fire management duties must state if the position qualifies the position holder as a primary or secondary wildland firefighter, as described in reference (am). Natural resources personnel not classified as a primary or secondary wildland firefighter may perform collateral duties in wildland fire management activities as qualified.

(6) Personnel holding positions as primary and secondary wildland firefighters will be certified, as a minimum requirement, in Cardio-Pulmonary Resuscitation and Standard First Aid by the American Red Cross or comparable certification authority.

(7) HQ Air Force Civil Engineering Support Agency/Civil Engineering Fire Protection is the executive agent for the DOD F&ES Certification Program and will be responsible for issuing, maintaining, and tracking of NFPA wildland firefighter certifications for levels identified in Table 11-1. The installation Wildland Fire Program Manager is responsible for issuing, signing, and tracking of NWCG Qualification Card/Incident Command System (also known as "red cards") for installation personnel. Installations are encouraged to partner with NWCG units to issue, maintain, and track qualifications and to conduct and receive training.

b. Physical Fitness Standards

(1) The installation WFMP will describe a measurable and objective medical examination or physical fitness test (step-test, pack test, etc.) that will be used to establish fitness standards for personnel that participate in wildland fire management activities. All personnel involved in wildland fire activities must meet the medical examination or physical fitness test annually. NWCG publications, references (an), (ao), (ap), and (aq), provide guidance for establishing physical fitness standards for wildland fire management activities.

The WFMP will describe the procedures for notifying affected employees of the exam or test and how it relates to being qualified for their jobs, how employees are to be certified as fit to train for and take the physical fitness test, and the repercussions of failing the exam or test and procedures for re-examination or re-testing. All required exams and tests will be paid for by the Government.

(2) Personnel whose job description requires participation in wildland fire management activities as a primary or secondary firefighter on Marine Corps installations will meet the pre-employment medical and physical examination criteria contained in reference (ar).

6. Wildland Fire Management Plan Components. The installation WFMP should be developed to reduce wildfire potential, protect and enhance valuable natural resources, integrate applicable State and local permit and reporting requirements, and implement ecosystem management goals and objectives on Marine Corps installations. The WFMP will directly support the Marine Corps mission and be consistent with installation emergency operations plans.

As a minimum, the installation WFMP will include the following components:

a. Goals and Objectives. The WFMP shall establish goals and objectives for the wildland fire management program on the installation. The WFMP will identify all wildland fire management strategies including military training availability,

ecosystem sustainability, and protection of F&ES personnel and the public.

b. Organizational Structure. The WFMP will describe the wildland fire management organizational structure and will indicate its position within the installation command structure. The organizational structure for wildland fire activities will be consistent with NWCG and NIMS Incident Command System standards.

c. Wildland Fire Preparedness. The WFMP will include wildland fire preparedness, preplanned dispatch for both initial and extended attack, and prescribed fire and prevention per reference (as). The minimum level of service for wildfire suppression shall consist of a direct wildland attack capability within 10 minutes of arrival of the initial wildland fire company at the fire scene.

d. Training Program. Include procedures to train all personnel involved in wildland fire management activities to the appropriate NWCG PMS qualification documents (PMS 310) or reference (ak) as described in paragraph 6 of this policy.

e. Interagency Cooperation and Mutual Aid Agreements. Installations are encouraged to develop regional partnerships for wildland fire management support by means of reciprocal agreements with other Federal, State, local and private entities to share human, logistical, and operational resources. Emergency assistance and mutual aid agreements will conform to the guidelines stated in references (h) and (at). Include interagency agreements and mutual assistance agreements in the WFMP as references or appendices.

f. Smoke Management and Air Quality. Describe the mission, environmental, human health and safety factors specific to the installation and region that affect smoke management and identify necessary mitigation practices. Refer to reference (au) for guidance on factors to consider.

g. Safety and Emergency Operations. The WFMP must reflect that firefighter and public safety is the first priority in every wildland fire management activity. The WFMP will identify installation-specific safety and emergency operations protocols. The WFMP will require that all personnel involved in direct wildland fire management activities are outfitted with

protective clothing and equipment that meets NFPA 1977 - Standard on Protective Clothing and Equipment for Wildland Fire Fighting.

h. Risk Assessment/Decision Analysis Processes. Sound operational risk management will be the foundation of the Wildland Fire Management Plan. Identify the indices and/or fire danger rating system that will be used to assess wildfire risk and potential fire behavior. The indices and/or fire danger rating system must adequately describe fire hazard, severity, intensity, and other significant factors affecting the protection of life and property. Identify the environmental factors that will be measured prior to ignition of a prescribed fire treatment. Identify normal and unique weather patterns that affect fire behavior on the installation.

i. Wildland Fire History. Include in the WFMP an analysis of both recent and long-term wildland fire history on the installation and in the region.

j. Natural and Cultural Resources Considerations Checklist. Provide a checklist in the WFMP that can be used to identify sensitive natural and cultural resources that should be given consideration before conducting any wildland fire management activity.

k. Mission Impact Considerations. Identify the potential impacts to the installation mission (positive and negative) that may occur as a result of implementation of the WFMP.

l. Wildland Fuel Factors. Identify the effects of installation fuel types and fuel loads on fire behavior. Display data on fuel types and fuel loading by maps or other means. Conduct fuel surveys to collect wildland fire fuels data if necessary.

m. Monitoring Requirements. Identify the environmental factors that will be monitored and the frequency of monitoring required for both a wildfire and prescribed fire. Identify post-fire assessment protocols for both wildfire and prescribed fires.

n. Public Relations. Identify a protocol for notifying the media and affected persons for wildfire incidents and prescribed burning activities.

o. Funding Requirements. Identify the funding requirements to train and equip wildland fire management personnel to ensure safe, effective, and cost-efficient operations in support of the Wildland Fire Management Plan. Identify the appropriate sources of funding for wildland fire activities.

(1) The costs associated with developing and drafting installation WFMPs or amending existing WFMPs in order to comply with this order will be funded by the Operation and Maintenance, Marine Corps account.

(2) Wildland fire management activities that are conducted for the purpose of compliance with environmental laws and regulations will be supported by conservation funds.

(3) Wildfire suppression, prescribed burning and other wildland fire management activities to support training, range use, munitions testing and evaluation, or other mission activity will be supported by the responsible activity through direct funding or reimbursement.

(4) Funding for wildfire prevention and fuels management for hazard reduction is an installation operations and maintenance responsibility.

(5) In accordance with reference (1), expenditures for the protection and maintenance of commercial forests can be reimbursed by proceeds derived from the sale of forest products; however, the total reimbursement for forest management obligations related to wildland fire management cannot exceed the forest management program proceeds in a given fiscal year on the installation.

p. Personnel Training and Certification Standards and Records. The WFMP will identify the staffing requirements, according to specific certification and training requirements, for the tasks associated with wildland fire management activities on the installation. Current training and qualification records will be maintained for all personnel involved in wildland fire management activities.

q. NEPA process for WFMP Implementation. Actions proposed in any WFMP may constitute a major Federal action as defined in section 18, paragraph (b)(2) of reference (av). Major Federal

actions must be evaluated for potential environmental effects. The NEPA document prepared for the installation INRMP may also include and provide analysis of the WFMP.

7. Prescribed Fires

a. Use of Prescribed Fire on Marine Corps Installations. Prescribed fire can be used as a management tool to attain the goals and objectives of the INRMP and to support other Marine Corps mission needs. Two types of prescribed fires are recognized: 1) those ignited by qualified personnel in accordance with an approved site-specific burn plan, and 2) wildfires managed under prescribed conditions as addressed in an approved WFMP.

b. Site-Specific Burn Plans. A site-specific burn plan will be developed for each prescribed burn conducted on Marine Corps property. The installation WFMP will identify the required components for site-specific burn plans. At a minimum, burn plans will include the following:

- (1) Burn objectives;
- (2) Acceptable weather and fuel moisture parameters;
- (3) Required personnel and equipment resources;
- (4) Burn area map;
- (5) Smoke management plan;
- (6) Safety considerations;
- (7) Pre-burn authorization/notification checklist;
- (8) Coordination to consider mission, wildlife, endangered species, cultural resources, and noxious weed effects;
- (9) Alternative plan - to cover plan of action if wind or weather conditions change; and
- (10) Plan for analysis of burn success and identification of lessons learned.

c. Use of Fire Breaks. When planning for prescribed fires, and when suppressing wildfire, utilize natural and existing man-made features whenever possible. Fire breaks, if required, must be constructed, maintained, or rehabilitated to prevent erosion.

8. Labor Relations. In the implementation of this policy guidance, activities shall ensure compliance with their statutory labor relations obligations.

9. Mutual Aid

a. Following proper coordination with the Office of the Secretary of Defense through United States Northern Command (NORTHCOM) and JDOMS, military assistance (both military and civilian personnel) may be furnished to the NIFC in national fire emergencies pursuant to reference (aw) and subsequent modifications. Support for wildland fire incidents is reimbursable under reference (ax). Procedures for deployment of civilian personnel are provided in paragraph 12.

b. Local area assistance included in existing agreements may be authorized by the installation commander. Immediate response requests will be handled per references (ay).

10. Reporting

a. Each installation will report to HQMC Natural Resources Manager, annually, by 31 December, the number of installation acres burned by wildfires and the number of acres prescribed burned for the just completed fiscal year. All F&ES responses to wildland fire incidents shall be reported to the National Fire Incident Reporting System per reference (h).

b. Report all requests for civilian firefighter assistance or deployment per paragraph 12.

11. Compliance. Compliance with this policy will be monitored and evaluated as part of the HQMC Benchmark Environmental Compliance Evaluation (ECE) program in accordance with reference (az).

12. Deployment And Reimbursement Procedures for Wildland Fire
(not applicable outside the Continental U.S.)

a. DOD Civilian Firefighter Deployment

(1) Reference (ba) pre-approves the use of DOD civilian firefighters on wildfire incidents managed by other Federal agencies. Requests will be issued from regional or local Geographic Area Coordinating Centers to the specific civilian resources based on local mutual aid agreements. Notification procedures in paragraph 2 must be followed. Conditions for any deployment of civilian personnel include willingness of civilians to volunteer, approval by the installation commander, and coordination (through the chain of command) with JDOMS. Because of the rapid response necessary for deployment when requested by NIFC, permission should be obtained at the beginning of the fire season. The assignment must be accomplished by detail (i.e., temporary duty (TDY)).

(2) Notification Procedures. When a firefighter is deployed (and upon return), the installation wildland fire program manager, or acting, will report the deployment (or return) via e-mail to NORTHCOM and JDOMS with copy to the chain of command up to CMC (LF). The e-mail should include the name(s) of the firefighter(s), installation name, date of departure, name or location of wildfire (if known), and length of deployment (if known).

(3) Firefighter's Responsibilities. After obtaining the installation commander's permission, the civilian firefighter, through the installation wildland fire program manager, must ensure the following conditions are met.

(a) Passed current physical fitness requirement for NWCG position(s);

(b) Has current NWCG qualification card (red card);

(c) Has name and qualifications posted on the local wildland fire coordination center dispatch system;

(d) Has made arrangements for emergency TDY authorization; and

(e) Ensured that the sponsoring Federal agency involved with the mutual aid agreement has issued or will issue a funds obligating document for reimbursement of expenses or has made other arrangements for reimbursement of expenses.

b. Fiscal and Entitlement Support. Support is fully reimbursable under reference (ax). Volunteers will continue to be paid from their current payroll offices. All actual costs, including base salary, overtime, TDY travel, and per diem will be paid in accordance with paragraph b2. Employees selected for these assignments would be detailed to a set of duties and placed on TDY. The civilian firefighter will turn in all timesheets on return or, if possible, send to timekeeper weekly while deployed.

(1) Benefits and Entitlements. All current enrollments in Federal benefit coverage would continue (i.e., Federal Employees Health Benefits, Federal Employee Group Life Insurance, Thrift Savings Plan, Workers Compensation, etc.). Individuals with private insurance should check with their respective carriers to determine coverage. Firefighters identified for deployment should be advised to update their designation of beneficiaries, emergency contacts, and medical allergies statements. If required, components would submit a request for waiver of the biweekly maximum earnings limitation for approval.

(2) Reimbursement. Local resource managers should establish a local automatic reimbursable account. Actual costs related to the wildfire incident would be billed to this account. At the beginning of the fire season or prior to deployment, ensure that a funds-obligating document is received by the installation from the sponsoring Federal agency involved (such as the U.S. Department of Agriculture Forest Service, Bureau of Land Management, FWS, National Park Service, Bureau of Indian Affairs) or ensure that other reimbursement processes are in place. The funds obligating document (similar to a Military Interdepartmental Purchase Request) may be a Form AD-672 Reimbursement or Advance of Funds Agreement, BLM Form 1681-3, a Resource Order, or similar document. This document will contain financial information for reimbursement and billing procedures. Within thirty (30) calendar days after the month in which the deployment occurred, the employee will turn in all wildfire time records and all other expense records. The local resource manager will ensure that employee's time and travel voucher

cover all expenses (e.g., night differential, hazard pay). The local resource manager will bill the Federal agency listed on the funds obligating document for reimbursement of all expenses.

11205. OUTDOOR RECREATION

1. Outdoor Recreation Planning. Each installation may develop outdoor recreation policies and programs in consultation with the DOI and the appropriate State agency. Any installation recreation resource use selection procedures shall be impartial.

2. Recreational Off-Road Vehicles

a. Installation commanders shall give preference to existing trails when designating roads for off-road vehicle use.

b. When considering the suitability of areas and trails for off-road vehicle use, installation commanders shall consider the applicability of NEPA analysis and the foreseeable impacts of each type of off-road vehicle, taking into account its seasonal use, range, and resulting impacts to installation natural resources, military readiness, and the capability of installation lands to support the installation's mission, and other recreation resources.

c. Any decision to open installation lands to off-road vehicle use shall apply equally to the public and military personnel. Each installation shall control off-road vehicle use to maintain public safety, security, military readiness, and natural resources. Therefore, any decision to open installation lands to off-road vehicle use shall include procedures for controlling the number and types of off-road vehicles, limiting their frequency and intensity of use, and limiting their range (i.e., restricting access to areas and trails authorized for off-road vehicle use).

d. Installations may deny installation access to persons violating off-road vehicle requirements.

e. If the installation commander or a designee determines that off-road vehicle use will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources, the installation will immediately prohibit such off-road vehicle use until the

effects have been eliminated and measures have been implemented to prevent their recurrence.

11206. ENVIRONMENTAL RESTORATION. Each installation shall utilize installation natural resources professionals' expertise in contingency planning and in acting as a natural resources trustee. Each installation shall also coordinate with stakeholders when acting as a natural resources trustee.

CHAPTER 11

NATURAL RESOURCES MANAGEMENT

SECTION 3: RESPONSIBILITIES

11300. CMC {LF}

1. Ensure a Marine Corps-wide organizational capability and the programming necessary to establish and maintain installation integrated natural resources management programs.
2. Provide installations policy for establishing and maintaining INRMPs.
3. Coordinate Marine Corps natural resources management program issues with other Federal agencies, the military services, and private organizations.
4. Identify Marine Corps-wide program and project priorities, and distribute available funds to meet installation natural resources management requirements that cannot be locally funded.
5. Maintain reports and other records of installation natural resources business transactions (e.g., agricultural outlease proceeds; hunting, fishing, and trapping permit fee proceeds; forest product sales proceeds) and track natural resources management expenditures charged to applicable accounts.
6. Ensure, through field visits and the ECE Program, Marine Corps compliance with applicable Federal, State, and local natural resource management requirements.
7. Assist installations in resolving any disputes with Federal, State, and local natural resource regulatory officials.

11301. COMMANDER, U.S. MARINE FORCES ATLANTIC; COMMANDER, U.S. MARINE FORCES PACIFIC; COMMANDER, MARINE CORPS SYSTEMS COMMAND; AND COMMANDER, MARINE FORCES RESERVE (COMMARFORRES)

1. Coordinate proposals for new and continuing actions that affect natural resources with the managers of those resources.
2. Take appropriate action to ensure that authorized, funded, or conducted actions comply with reference (ae) and all related natural and cultural resources laws and executive orders.

11302. COMMANDING GENERAL/COMMANDING OFFICER OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

1. Ensure the installation implements the requirements and policies of this chapter.
2. Act as the installation natural resources trustee.

REFERENCES

- (a) 7 U.S.C. 136-136y
- (b) 16 U.S.C. 1451-1465
- (c) Office of the Undersecretary of Defense, Memorandum for Assistant Secretary of the Army (Installations, Logistics and Environment), Assistant Secretary of the Army (Installations and Environment), Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations and Environment), "Volunteer and Partnership Cost-Share Program," January 12, 1994
- (d) Federal Register, Volume 60, page 58605, November 28, 1995
- (e) Federal Register, Volume 65, page 66913, November 7, 2000
- (f) Federal Register, Volume 65, page 62565, October 18, 2000
- (g) 10 U.S.C. 2667
- (h) DOD Instruction 6055.06, "DOD Fire and Emergency Services (F&ES) Program," December 21, 2006
- (i) 16 U.S.C. 1531-1544
- (j) 16 U.S.C. 703-712
- (k) Title 50, Code of Federal Regulations, Part 10, Section 13, "List of Migratory Birds," 2005 edition
- (l) 10 U.S.C. 2665
- (m) DOD Financial Management Regulation, Volume 11A, "Reimbursable Operations, Policy and Procedures, Chapter 16 - Accounting for Production and Sale of Forest Products," August 2002
- (n) Title 1533.31 of the Forest Service Manual - "Forest Insect and Disease Suppression Agreement," Washington Office (WO) Amendment 1500-91-9, effective June 13, 1991
- (o) 42 U.S.C. 9601-9675

- (p) Executive Order 12580, "Superfund Implementation," January 23, 1987
- (q) Title 50, Code of Federal Regulations, Part 402, "Interagency Cooperation - Endangered Species Act of 1973, As Amended," 2006 edition
- (r) MCO 5090.4A
- (s) Title 43, Code of Federal Regulations, Part 11, "Natural Resource Damage Assessments," 2006 edition
- (t) Executive Order 11987, "Exotic Organisms," May 24, 1977
- (u) Title 32, Code of Federal Regulations, Part 190, Section 3, "Definitions," 2005 edition
- (v) Executive Order 13112, "Invasive Species," February 3, 1999
- (w) 7 U.S.C. 7701-7772
- (x) Executive Order 11644, "Use of Off-Road Vehicles on the Public Lands," February 8, 1972
- (y) Title 33, Code of Federal Regulations, Part 328, Section 3, "Definitions," 2007 edition
- (z) Title 40, Code of Federal Regulations, Part 122, Section 2, "Definitions," 2007 edition
- (aa) 16 U.S.C. 670-670f
- (ab) 16 U.S.C. 470-470w-6
- (ac) Presidential Memorandum, "Environmentally and Economically Beneficial Practices on Federal Landscaped Grounds," April 26, 1994
- (ad) Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," January 24, 2007
- (ae) 42 U.S.C. 4321-4347
- (af) NAVFAC P-73, Chapter 19, "Real Estate Procedural Manual"

(ag) NAVFAC P-73, Volume 2, "Natural Resources Management Procedural Manual"

(ah) NAVCOMPT Manual, paragraph C32114

(ai) MCO 7301.116

(aj) NAVCOMPT Manual, Volume 2, "Accounting Classification," paragraph C24640

(ak) National Fire Protection Association 1051, "Standard for Wildland Fire Fighter Professional Qualifications," 2007 edition

(al) National Fire Protection Association 1002, "Standard for Fire Apparatus Driver/Operator Professional Qualifications," 2003 edition

(am) Office of Personnel Management, "CSRS and FERS Handbook for Personnel and Payroll Offices, Chapter 46 - Special Retirement Provisions for Law Enforcement Officers, Firefighters, Air Traffic Controllers, and Military Reserve Technicians," April 1998

(an) National Wildfire Coordination Group, National Interagency Incident Management System, Wildland Fire Qualification System Guide, PMS 310-1/NFES 1414, April 2006

(ao) National Wildlife Coordination Group, National Fire Equipment System, "Fitness and Work Capacity: Second Edition," NFES 1596, PMS 304-2, 1997

(ap) National Wildlife Coordination Group, National Fire Equipment System, "Fit to Work?" NFES 1595, PMS 304-1, 1985

(aq) National Wildlife Coordination Group, National Fire Equipment System, "Fit to Work, Fatigue and the Firefighter (video)," NFES 2071, PMS 306, 1989

(ar) DOD 6055.05M, "Occupational Medical Examinations and Surveillance Manual," May 2, 2007

(as) National Fire Protection Association 1710, Standard for the Organization and Deployment of Fire Suppression Operations,

Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments," 2004 edition

(at) MCO P11000.11B

(au) National Wildfire Coordination Group, National Fire Equipment System, "Smoke Management Guide," NFES 1279, PMS 420-2, 2001

(av) Title 40, Code of Federal Regulations, Parts 1500-1508, "Council on Environmental Quality NEPA-implementing Regulations," 2005 edition

(aw) Interagency Agreement for the Provision of Temporary Support During Wildland Firefighting Operations among the United States Department of the Interior, the United States Department of Agriculture and the United States Department of Defense, 2005

(ax) 31 U.S.C. 1535

(ay) DOD Directive 3025.1, "Military Support to Civil Authorities (MSCA)," January 15, 1993

(az) MCO P5090.2A

(ba) DTG 281832Z APR 06 OPER/DOD SUPPORT OF CIVIL AUTHORITIES//MSGID/ORDER/CJSC STANDING EXORD.

Table 11-1.--Correlation of NFPA and NWCG Certification Levels and Corresponding NWCG Training Requirements for Attaining Each Level

NFPA Job Title	NWCG Equivalent	NWCG Equivalent Training
Wildland Fire Fighter I	Firefighter II	<ul style="list-style-type: none"> • S-130 Fire Fighter Training • S-190 Introduction to Fire Behavior • U-180 Human Factors on the Fireline • I-100 Introduction to the Incident Command System • RT-130 Annual Fireline Safety Refresher
Wildland Fire Fighter II	Firefighter I	<ul style="list-style-type: none"> • S-131 Advanced Fire Fighter Training • S-133 Look Up, Look Down, Look Around • S-201 Supervisory Concepts and Techniques • S-211 Portable Pumps and Water Use • S-212 Wildland Fire Chain Saws • S-216 Driving for the Fire Service • RT-130 Annual Fireline Safety Refresher
Wildland Fire Officer I	Single Resource Boss or Incident Commander Type 4	<ul style="list-style-type: none"> • S-200 Initial Attack Incident Commander • S-213 Tractor Use/Tractor Boss* • S-214 Tanker Use/Tanker Boss* • S-215 Fire Operations in the Urban Interface • S-230 Crew Boss (Single Resource)* • S-231 Engine Boss (Single Resource)* • S-234 Ignition Operations • S-260 Fire Business Management Principles • S-270 Basic Air Operations • S-290 Intermediate Wildland Fire Behavior • I-200 Basic Incident Command System • P-151 Wildfire origin and Cause Determination • RT-130 Annual Fireline Safety Refresher <p><i>*Only one of these courses is required, depending upon the type of Single Resource Boss certification desired.</i></p>

Table 11-1.--Correlation of NFPA and NWCG Certification Levels and Corresponding NWCG Training Requirements for Attaining Each Level--Continued		
NFPA Job Title	NWCG Equivalent	NWCG Equivalent Training
Wildland Fire Officer II	Incident Commander Type 3	<ul style="list-style-type: none"> • S-300 Incident Command Extended Attack • S-301 Leadership and Organizational Development • S-330 Task Force/Strike Team Leader • S-390 Introduction to Wildland Fire Behavior Calculations • I-300 Intermediate Incident Command System • RT-130 Annual Fireline Safety Refresher

CHAPTER 12

THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

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CHAPTER 12

THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

SECTION 1: INTRODUCTION

12100. PURPOSE. This chapter establishes Marine Corps policy and responsibilities for compliance with reference (a).

12101. APPLICABILITY

1. This chapter applies to all Marine Corps active and reserve installations, commands, detachments, and units located within the United States, its territories and possessions.

2. Marine Corps active and reserve installations, commands, units, and detachments may also need to comply with State environmental planning procedures when joint activities with non-Federal parties are conducted.

3. Marine Corps actions in foreign countries are not subject to the requirements of reference (a). Thus, the requirements of this chapter do not apply to Marine Corps actions abroad. However, certain Marine Corps actions are subject to references (b) and (c) concerning environmental effects abroad of major Department of Defense (DOD) actions. Commanders must comply with these requirements, which are reprinted at reference (d).

12102. BACKGROUND. Reference (a) is the basic national charter for the protection of the environment. It establishes policies, sets goals, and provides means for carrying out environmental policy.

12103. FEDERAL STATUTES

1. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

a. Basic National Charter. Reference (a) establishes national policy and goals for protection of the environment. Reference (a) requires Federal decision makers to consider the environmental consequences of a proposed action before making

(3) The purpose of reference (a) is to help agency officials make decisions based on an understanding of environmental effects, enabling them to take actions that protect, restore, and enhance the environment.

(4) Agencies must integrate the NEPA process with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.

2. Interaction with other Environmental Statutes, Regulations, and Executive Orders (E.O.s). A number of environmental statutes, implementing regulations, and E.O.s, which impose substantive and procedural requirements, may apply to a proposed action. The NEPA process facilitates the identification of applicable statutes, regulations, and E.O.s with which the Action Proponent must also comply. The following is a representative, but not inclusive, list of environmental legislation and E.O.s that may apply to a proposed action:

- a. Clean Air Act (CAA) of 1970, as Amended (42 U.S.C. 7401 et seq.);
- b. Clean Water Act of 1977, as Amended (33 U.S.C. 1251 et seq.);
- c. Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);
- d. Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- e. Marine Mammal Protection Act of 1972, as Amended (16 U.S.C. 1361 et seq.);
- f. Marine Protection Research and Sanctuaries Act of 1972, as Amended (33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.);
- g. Migratory Bird Treaty Act of 1918, as Amended (16 U.S.C. 703 et seq.);
- h. National Historic Preservation Act of 1966, (16 U.S.C. 470 et seq.);
- i. Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801-1883);

- j. Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.);
- k. Safe Drinking Water Act of 1974 (42 U.S.C. 300(f) et seq.);
- l. E.O. 11988, Floodplain Management, July 20, 1979;
- m. E.O. 11990, Protection of Wetlands, September 9, 1987;
- n. E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994;
- o. E.O. 12962, Recreational Fisheries, June 7, 1995;
- p. E.O. 13007, Native American Religious Practices, May 24, 1996;
- q. E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks, April 21, 1997;
- r. E.O. 13089, Coral Reef Protection, June 11, 1998;
- s. E.O. 13112, Invasive Species, February 3, 1999;
- t. E.O. 13158, Marine Protected Areas, May 26, 2000;
- u. E.O. 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000; and
- v. E.O. 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, January 10, 2001

12104. POLICY

1. Headquarters Marine Corps, Facilities and Services Division (CMC (LF)) is the cognizant organization within the Marine Corps for affecting compliance with reference (a) and should be consulted regarding Marine Corps interpretation of the procedures contained in this chapter, references (e) and (f), as well as any procedural requirements related to NEPA analysis and decision making within the chain of command.

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2. The Marine Corps will, consistent with its mission and the environmental laws and regulations of the United States and applicable international treaties and agreements:

a. Prevent or reduce adverse impacts on the environment through effective environmental planning.

b. Consider environmental factors concurrently with mission effectiveness, cost, and other relevant factors.

c. Commence a systematic examination of the environmental implications of proposed actions at the earliest possible time.

d. Understand and comply with all environmental legal requirements, anticipate and control associated costs, and avoid delays caused by inadequate preparation and planning.

e. Provide environmental training commensurate with the responsibilities of the trainee and consistent with the mission of the Department of the Navy (DON) through courses on environmental planning and by integrating instruction in environmental planning into other courses of training for military members and civilian employees.

f. Encourage effective and practical public participation in environmental planning.

g. Include appropriate consideration of socioeconomic issues in environmental planning matters where the potential for disproportionately high and adverse impacts on minority and low-income populations exists.

h. Include appropriate provisions for environmental planning in instructions, orders, plans, or other guidance.

i. Include the costs of environmental planning in planning, programming and budgeting for the proposed action.

j. Prepare, safeguard, review, and disseminate required planning, analysis, and environmental documents, if any, for classified actions in accordance with applicable security instructions and requirements.

k. Assign responsibility for preparation of action specific environmental analysis under reference (a) to the Action Proponent. The Action Proponent should understand the plans, analyses, and environmental documents related to that action.

3. Whenever possible, Action Proponents must include pollution prevention alternatives in the NEPA process. In particular, Action Proponents must consider life-cycle costs and the options available in employing pollution prevention alternatives to minimize these costs while, or when, evaluating potential projects or actions.

4. Action Proponents must ensure that, consistent with other national policies and national security requirements, practical means and measures are used to protect, restore, and enhance the quality of the environment; to mitigate adverse consequences; and to attain the following NEPA (section 101) objectives:

a. Attain the widest range of beneficial uses of environmental resources without degradation, risk to health or safety, and other consequences that are undesirable and unintended.

b. Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and a variety of individual choices.

c. Enhance the quality and conservation of renewable resources and work toward the maximum attainable recycling of depletable resources.

d. Achieve a balance between resource use and development within the sustained carrying capacity of the ecosystem involved.

e. Provide the opportunity for public comment and involvement.

5. The command Environmental Impact Review Board (EIRB) must include individuals with appropriate expertise to ensure that the document meets the requirements of reference (a), is consistent with the command's operational and master planning goals, and meets the policies and goals of the command in the military and civilian communities.

CHAPTER 12

THE NATIONAL ENVIRONMENTAL POLICY ACT

SECTION 2: MARINE CORPS PROCEDURES

12200. GENERAL NEPA COMPLIANCE OBJECTIVES. To comply with the NEPA procedural requirements, the Marine Corps must attain the following objectives:

1. Ensure compliance by beginning analysis of the effects of an action at the earliest planning stage.
2. Assess environmental consequences of proposed actions that could affect the quality of the environment in the United States, its territories, and its possessions per references (e) and (f).
3. Use a systematic, interdisciplinary approach that ensures integrated use of the natural and social sciences and environmental considerations in planning and decision making when an adverse impact on the environment could occur.
4. Consider reasonable alternatives (including the "no-action" alternative) to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available natural resources.
5. Make available to States, counties, municipalities, institutions, and individuals any advice and information useful toward restoring, maintaining, and enhancing the quality of the environment.
6. Use ecological information when planning and developing resource-oriented projects.
7. Ensure that presently unmeasured environmental amenities (i.e., recreation areas open to the public, leased lands to State or private entities) are considered in the decision making process.
8. Set time limits appropriate to the proposed action, considering operational requirements, as well as necessary time for public notice and comment periods required under section 10

of part 1506 of reference (e) as legally applied by the Environmental Protection Agency (EPA).

12201. SPECIFIC REQUIREMENTS

1. NEPA Process. The requirements of this chapter apply to proposed Federal actions that have potential to impact the human environment (i.e., those which may result in a change to the physical environment; social and economic impacts alone are not sufficient to trigger reference (a)). To ensure installation environmental planning staff coordinate on actions with the potential to impact the human environment, Action Proponents shall submit a completed Request for Environmental Impact Review (REIR), to the installation's environmental planning staff, for all proposed actions that have potential to impact the human environment. The REIR shall be a form prescribed by the Commanding General/Commanding Officer (CG/CO) exercising a Finding of No Significant Impact (FONSI) signature authority, and should contain enough information to support the use of a categorical exclusion (CATEX) (in case a CATEX applies). Installations are encouraged to use the example REIR in appendix R, or develop an REIR suitable to meet installation coordination and documentation requirements. This reporting requirement is exempt from reports control under SECNAVINST M-5214.1, paragraph 7.k. The commander exercising FONSI signature authority may delegate REIR signature authority to qualified environmental planning staff.

2. Step-By-Step Methodology. Use the following methodology to determine whether requirements of this chapter apply and, if so, what level of NEPA documentation the Action Proponent should initiate.

a. Step 1. Action Proponent: If the proposed action may result in an impact to the human environment, complete an REIR and submit to the installation environmental planning staff or NEPA program manager and go to Step 2.

b. Step 2. Installation Environmental Planning Staff: Using the REIR, determine whether the proposed action is exempt from NEPA documentation pursuant to paragraphs (1) through (4), below. If the proposed action is exempt from reference (a), the requirements of this chapter do not apply and shall be documented on the REIR. Such a decision need not be presented to the command EIRB. If the proposed action is not exempt, go

to Step 3.

(1) The proposed action is a Comprehensive Environmental Response, Compensation, and Liability Act cleanup action and documented pursuant to reference (g).

(2) The proposed action is one for which the Marine Corps has no decision making authority and no discretion in implementing the action, such as those carried out under a non-discretionary mandate from Congress (e.g., Congressional direction to transfer Federal property to a particular entity for a particular purpose that leaves DON no discretion in how the transfer will be implemented) or as an operation of law (e.g., reversionary interests in land recorded at the time the property was obtained and that provide no discretion in whether to trigger the reversion or how the reversion will be implemented).

(3) The proposed action is exempt from reference (a) by statute.

(4) Compliance with reference (a) would cause a clear and unavoidable conflict with another Federal law.

c. Step 3. Installation Environmental Planning Staff: Review the REIR and determine whether the proposed action is contained in the list of CATEXs at paragraph 12201.3.a. If it is on the CATEX list, go to Step 4. If the action is NOT contained in the list of CATEXs, go to Step 5.

d. Step 4. Installation Environmental Planning Staff: Determine whether any of the enumerated conditions listed in paragraph 12201.3.b apply. If one of the enumerated conditions applies, document it on the REIR and go to Step 5. If none of the enumerated conditions apply, the proposed action is categorically excluded from the requirement of preparing an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The Installation Environmental Planning Staff shall annotate the CATEX number on the REIR and forward the REIR to the official with REIR signature authority for signature. Note that even if a proposed action technically qualifies for a CATEX, the Action Proponent may prepare an EA if the circumstances are such that it would be prudent.

e. Step 5. Installation Planning Staff: Determine whether the proposed action requires an EA under paragraph 12201.4 or an EIS under paragraph 12201.5. If so, annotate on the REIR and return to the Action Proponent for preparation of an EA or EIS, as appropriate.

f. Step 6. Action Proponent: Based on the determination of the Installation Environmental Planning Staff documentation on the REIR, proceed with preparation of an EA or EIS (using the assistance of the Installation Environmental Planning Staff.

3. CATEX (40 CFR 1508.4)

a. List of CATEXs (32 CFR part 775.6(f)). Pursuant to references (e) and (f), actions that will have no significant effect individually or cumulatively on the human environment, under normal circumstances, may be categorically excluded from the requirement to prepare an EA or EIS. If one of the enumerated conditions applies, it will be documented on the REIR and signed by environmental planning staff whom have been delegated Command authority to do so.

(1) Routine fiscal and administrative activities, including administration of contracts;

(2) Routine law and order activities performed by military personnel, military police, or other security personnel, including physical plant protection and security;

(3) Routine use and operation of existing facilities, laboratories, and equipment;

(4) Administrative studies, surveys, and data collection;

(5) Issuance or modification of administrative procedures, regulations, directives, manuals, or policy;

(6) Military ceremonies;

(7) Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies;

(8) Routine repair and maintenance of buildings,

facilities, vessels, aircraft, and equipment associated with existing operations and activities (e.g., localized pest management activities, minor erosion control measures, or painting, and refitting);

(9) Training of an administrative or classroom nature;

(10) Routine personnel actions;

(11) Routine movement of mobile assets (such as ships and aircraft) for homeport reassignments, for repair/overhaul, or to train/perform as operational groups where no new support facilities are required;

(12) Routine procurement, management, storage, handling, installation, and disposal of commercial items, where the items are used and handled in accordance with applicable regulations (e.g., consumables, electronic components, computer equipment, and pumps);

(13) Routine recreational/welfare activities;

(14) Alteration of and additions to existing buildings, facilities, structures, vessels, aircraft, and equipment to conform or provide conforming use specifically required by new or existing applicable legislation or regulations (e.g., hush houses for aircraft engines, scrubbers for air emissions, improvements to storm water and sanitary and industrial wastewater collection and treatment systems, and installation of fire fighting equipment);

(15) The modification of existing systems or equipment when the environmental effects will remain substantially the same, and the use is consistent with applicable regulations;

(16) Routine movement, handling, and distribution of materials, including hazardous materials (HM)/hazardous wastes that when moved, handled, or distributed are in accordance with applicable regulations;

(17) New activities conducted at established laboratories and plants (including contractor-operated laboratories and plants) where all airborne emissions, waterborne effluent, external ionizing and non-ionizing radiation levels, outdoor noise, and solid and bulk waste

disposal practices are in compliance with existing applicable Federal, State, and local laws and regulations;

(18) Studies, data, and information-gathering that involve no permanent physical change to the environment (e.g., topographic surveys, wetlands mapping, surveys for evaluating environmental damage, and engineering efforts to support environmental analyses);

(19) Temporary placement and use of simulated target fields (e.g., inert mines, simulated mines, or passive hydrophones) in fresh, estuarine, and marine waters for the purpose of non-explosive military training exercises or research, development, and test and evaluation;

(20) Installation and operation of passive scientific measurement devices (e.g., antennae, tide gauges, weighted hydrophones, salinity measurement devices, and water quality measurement devices) where use will not result in changes in operations tempo and is consistent with applicable regulations;

(21) Short term increases in air operations up to 50 percent of the typical operation rate, or increases of 50 operations per day, whichever is greater. Frequent use of this CATEX at an installation requires further analysis to determine there are no cumulative impacts;

(22) Decommissioning, disposal, or transfer of Navy vessels, aircraft, vehicles, and equipment when conducted in accordance with applicable regulations, including those regulations applying to removal of HM;

(23) Non-routine repair, renovation, and donation or other transfer of structures, vessels, aircraft, vehicles, landscapes, or other contributing elements of facilities listed or eligible for listing on the National Register of Historic Places (NRHP) that will result in no adverse effect;

(24) Hosting or participating in public events (e.g., air shows, open houses, Earth Day events, and athletic events) where no permanent changes to existing infrastructure (e.g., road systems, parking, and sanitation systems) are required to accommodate all aspects of the event;

(25) Military training conducted on or over non-military

land or water areas, where such training is consistent with the type and tempo of existing non-military airspace, land, and water use (e.g., night compass training, forced marches along trails, roads and highways, use of permanently established ranges, use of public waterways, or use of civilian airfields);

(26) Transfer of real property from DON to another military department or to another Federal agency;

(27) Receipt of property from another Federal agency when there is no anticipated or proposed substantial change in land use;

(28) Minor land acquisitions or disposals where anticipated or proposed land use is similar to existing land use and zoning, both in type and intensity;

(29) Disposal of excess easement interests to the underlying fee owner;

(30) Renewals and minor amendments of existing real estate grants for use of government-owned real property where no significant change in land use is anticipated;

(31) Land withdrawal continuances or extensions that merely establish times and where there is no significant change in land use;

(32) Renewals and/or initial real estate in-grants and out-grants involving existing facilities and land wherein use does not change significantly (e.g., leasing of Federally-owned or privately-owned housing or office space, and agricultural out-leases);

(33) Grants of license, easement, or similar arrangements for the use of existing rights-of-way or incidental easements complementing the use of existing rights-of-way for use by vehicles (not to include significant increases in vehicle loading); electrical, telephone, and other transmission and communication lines; water, wastewater, storm water, and irrigation pipelines, pumping stations, and facilities; and similar utility and transportation uses;

(34) New construction that is similar to existing land use and, when completed, the use or operation of which complies

with existing regulatory requirements (e.g., a building within a containment area with associated discharges/runoff within existing handling capacities);

(35) Demolition, disposal, or improvements involving buildings or structures when done in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls, and other HM;

(36) Acquisition, installation, and operation of utility (e.g., water, sewer, or electrical) and communication systems, (e.g., data processing cable and similar electronic equipment) which use existing rights of way, easements, distribution systems, and/or facilities;

(37) Decisions to close facilities, decommission equipment, and/or temporarily discontinue use of facilities or equipment, where the facility or equipment is not used to prevent/control environmental impacts;

(38) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site;

(39) Relocation of personnel into existing Federally-owned or commercially-leased space that does not involve a substantial change affecting the supporting infrastructure (e.g., no increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase);

(40) Pre-lease upland exploration activities for oil, gas, or geothermal reserves (e.g., geophysical surveys);

(41) Installation of devices to protect human or animal life (e.g., raptor electrocution prevention devices, fencing to restrict wildlife movement onto airfields, and fencing and grating to prevent accidental entry to hazardous areas);

(42) Reintroduction of endemic or native species (other than endangered or threatened species) into their historic habitat when no substantial site preparation is involved;

(43) Temporary closure of public access to DON property in order to protect human or animal life;

(44) Routine testing and evaluation of military equipment (1) on a military reservation or an established range, restricted area, or operating area; (2) similar in type, intensity and setting, including physical location and time of year to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and (3) conducted in accordance with all applicable standard operating procedures protective of the environment;

(45) Routine military training associated with transits, maneuvering, safety and engineering drills, replenishments, flight operations, and weapons systems (1) conducted at the unit or minor exercise level; (2) similar in type, intensity, and setting, including physical location and time of year to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and (3) conducted in accordance with all applicable standard operating procedures protective of the environment.

b. Conditions Not Permitting the Use of a CATEX (32 CFR part 775.6(e)). A CATEX will not be used if the proposed action:

(1) Would adversely affect public health or safety;

(2) Involves effects on the human environment that are highly uncertain, involve unique or unknown risks, or which are scientifically controversial;

(3) Establishes precedents or makes decisions in principle for future actions that have the potential for significant impacts;

(4) Threatens a violation of Federal, State, or local environmental laws applicable to the DON; or

(5) Involves an action that, as determined in coordination with the appropriate resource agency, may:

(a) Have an adverse effect on Federally-listed endangered/threatened species or marine mammals;

(b) Have an adverse effect on coral reefs or on

federally designated wilderness areas, wildlife refuges, marine sanctuaries, or parklands;

(c) Adversely affects the size, function or biological value of wetlands and is not covered by a nation-wide or regional permit;

(d) Have an adverse effect on archaeological resources or resources (including but not limited to ships, aircraft, vessels, and equipment) listed or determined eligible for listing on the NRHP; or

(e) Result in an uncontrolled or unpermitted release of hazardous substances, or require a conformity determination under the standards of the CAA General Conformity Rule.

c. CATEX Documentation. The administrative record on the decision to forgo preparation of an EA or EIS on the basis of one CATEX will be documented on the REIR. The applicable CATEX number being used will be identified, or the enumerated conditions that do not permit the use of a CATEX shall be documented on the REIR. The REIR must be signed by the authorized environmental planning staff and returned to the Action Proponent, and kept on file. The REIR and any records or proposed action review correspondence must accompany the project file through project planning.

d. Documentation of Requirements for CATEX Approval. In the event certain conditions or requirements must be met to qualify for the CATEX, before, during, or following the implementation of the proposed Federal action, the environmental planning staff may impose those requirements on a Decision Memorandum or similar correspondence. The Action Proponent must acknowledge and agree to such conditions by signing and returning the Decision Memorandum or similar correspondence to the environmental planning staff, to remain with the file.

4. EA (40 CFR part 1508.9)

a. Overview. An EA analyzes the potential environmental impacts of a proposed action. An EA is prepared for those proposed actions that do not qualify for a CATEX, and when the Action Proponent: (a) initially predicts that the proposed action will not have a significant impact on the environment; (b) is uncertain whether the effects of the proposed action will

have a significant impact on the human environment; or (c) has reason to believe the proposed action will be environmentally controversial. Based on these criteria, an EA will result in either a FONSI or a decision to prepare an EIS.

b. Actions for which an EA Must Be Prepared. The following are examples of actions that under normal circumstances would require an EA:

(1) Training exercises for which the impacts are unknown, are potentially significant, or have the potential for environmental degradation or controversy.

(2) Dredging projects that increase water depth over previously dredged or natural depths.

(3) Proposed land use that would impact the quality or quantity of tidelands or freshwater wetlands.

(4) Real estate acquisitions or outleases of land involving:

(a) New in/out-grants only (i.e., neither renewals nor continuances wherein land use remains the same).

(b) Where existing land use will substantially change.

(c) Renewals of agricultural or grazing leases that involve notably different animal stocking rates, agricultural practices, seasons of use, or conversions to or from cropland.

(5) Acquisition of any size or in/out-grants that may be considered environmentally controversial, regardless of the appropriation or intended use.

(6) Family housing projects when the resident population changes.

(7) New target ranges or range mission changes with new or increased environmental impact.

(8) New low-altitude aircraft training routes or special use airspace and warning areas wherein over flights impact persons (particularly of low-income or minority populations),

wildlife (particularly endangered species), or property.

(9) Mission changes, base closures, relocations, consolidations, or deployments that would cause major long-term population increases or decreases in affected areas. EAs are not required where impacts are purely socioeconomic and involve no potential for significant environmental impacts.

(10) Any proposed activity that may adversely affect a Federally-listed threatened or endangered species, candidate species, or designated or recommended critical habitat of an endangered species. The EA does not replace the requirements for a biological assessment and consultation under reference (i) (see chapter 11 of this Manual for a complete discussion of endangered species requirements).

(11) Any activity that would adversely affect historic or cultural sites either listed, or eligible for listing in the NRHP (see chapter 8 of this Manual for a complete discussion of historic resources requirements).

(12) Permanent closure or limitation of access to any areas which were previously open to public use (e.g., roads and recreational areas).

(13) Construction or any other action resulting in discharges to, or potential contamination of, an aquifer, watershed, or recharge zone as described in reference (j).

(14) Irreversible conversion of "prime or unique farmland" to other uses.

(15) Transportation of hazardous substances, conventional munitions, or other wastes for intentional disposal into the ocean.

(16) Award or termination of contracts involving substantial quantities of natural resources, wherein the military is the contracting agency.

(17) Any action for which the environmental effect is controversial.

c. EA Public Participation (32 CFR part 1501.4(b)). In the preparation of an EA, CEQ regulations require agencies to

involve the public to the extent practicable. Therefore, commands proposing an action will develop an appropriate public involvement strategy. In determining the extent to which public participation is practicable, consider the following factors:

(1) Those who would be interested in or affected by the proposed action;

(2) The magnitude of the environmental considerations associated with the proposed action;

(3) The extent of anticipated public interest;

(4) Methods that would most effectively notify and involve the public; and

(5) Any relevant issues of national security or classification.

d. EA Procedures/Responsibilities

(1) Action Proponent

(a) Following the determination that an EA should be prepared for a proposed action and using the information submitted on the REIR as a foundation, the Action Proponent must, in consultation with the installation environmental planning staff, identify the following information:

1. A clear, detailed description of the need for, and purpose (objectives) of the action, the proposed action, and its expected results;

2. A brief description of all considered alternatives, including the reasons for eliminating them from further consideration;

3. A description of the likely results of canceling the proposal (e.g., "no action" alternative) and not meeting the need for action;

4. A description of the potential adverse impacts that might result from engaging in the proposed action and any alternative actions considered in detail;

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5. A list of the supporters and likely opponents of the proposed action and alternatives;

6. A list of the names of persons and organizations familiar with the proposal, a summary of any current responses to the proposal, and a list of additional persons or agencies to be contacted during scoping;

7. A description of any associated support or facility requirements that would be necessary to accomplish the proposed action and any other connected actions, similar actions, or cumulative actions (see paragraph 12202.20 for the definition of "Scope"); and

8. A list of other past, present, or reasonably foreseeable future actions with the potential, together with the proposed action, to cause cumulative environmental impacts.

(b) The action proponent is responsible for the EA preparation (exclusive of the EA conclusion and final recommendation) via contractor, Engineering Field Division/Activity as a reimbursable service, installation environmental staff, or Action Proponent staff (if the proposed action is not part of the mission of the affected Marine Corps activity). At the earliest opportunity, the Action Proponent must determine which entity will prepare the EA.

(2) Installation Environmental Planning Staff. The installation environmental planning staff will review the EA documentation provided by the Action Proponent and prepare draft recommendations of findings, a separate conclusion in the context of one of the alternatives identified here, and distribute all documentation to the Installation EIRB for appropriate action.

(3) Installation EIRB

(a) The Installation EIRB will review the documentation and make one of the following determinations:

1. The proposed action will have no significant impact on the environment, a FONSI is appropriate, and the action may proceed as planned.

2. The proposed action as planned may have a

significant impact on the environment unless prescribed mitigation measures are accomplished. The final recommendation will contain a full description of all required mitigation and monitoring necessary to ensure that no significant impacts will occur. These measures will be made a part of the FONSI and incorporated into project design.

3. The proposed action cannot proceed as planned without a significant impact on the environment. However, a reasonable alternative to the proposal that was not originally evaluated in the EA can proceed without a significant impact. The final recommendation from the EIRB will contain a full description of the new preferred alternative and direct the EA to be revised appropriately.

4. A FONSI for the proposed action is inappropriate; significant impacts can be avoided only if the "no action" alternative is selected. The final recommendation will be to begin an EIS if the Action Proponent wishes to continue with the proposal. The determination should describe the significant impacts that cannot be avoided.

(b) Upon considering the EA and the conclusion of the environmental staff, the EIRB will prepare a recommended course of action (to include a draft FONSI, if appropriate) for consideration by the commander exercising FONSI signature authority.

(4) Commander exercising FONSI Signature Authority. The commander exercising FONSI signature authority, upon consideration of the EA conclusion and EIRB recommendation, will take one of the following three actions:

(a) Finalize, approve, and issue a FONSI and initiate a course of action for proceeding with the selected action.

(b) For proposed actions which fall within one of the following categories set forth in paragraph 122C1.5e, forward the proposed FONSI, EA, and a recommended course of action to the CMC (LF) for review and approval before the commander exercising FONSI signature authority signs the FONSI.

(c) Direct the preparation of an EIS if the Action Proponent intends to proceed with the proposed action.

e. Coordinate with the CMC (LF)

(1) If the commander exercising FONSI signature authority decides not to issue a FONSI and concludes that an EIS is required, notify CMC (LF). EIS notification shall occur prior to commencing EIS preparation or receiving any public or regulatory agency involvement.

(2) Notify CMC (LF) as soon as it becomes apparent that potentially sensitive public interest issues are involved with the preparation of an EA.

(3) For proposed actions which fall within one or more of the following categories, then forward the proposed FONSI, EA, and recommended course of action to the CMC (LF) for review and appropriate action:

(a) The proposed action is, or is closely similar to, one that normally requires the preparation of an EIS;

(b) The proposed action is of a nature that is without precedent;

(c) The proposed action is to develop substantial acres of undeveloped land; and/or

(d) The proposed action has or can be expected to have substantial public or congressional interest.

(4) Commands must promptly submit a copy of all published FONSI's and related EIRB recommendations (in the form of minutes taken during board meetings) to the CMC (LF).

f. Content of EA (40 CFR part 1508.9). EA preparation should follow the basic format provided in paragraph 12201.5e.

Following this format, the EA should:

(1) Describe the proposed action;

(2) Briefly discuss the purpose and need for the action;

(3) Describe reasonable alternatives considered (including the "no-action" alternative);

(4) Describe the existing environment at the proposed site; and

(5) Describe the potential environmental impacts of the proposal and alternatives considered and pay special attention to the following actions:

(a) Address the potential impact on endangered or threatened species and/or their habitat.

(b) Satisfy the requirements of the General Conformity Rule under section 176(c) of reference (h).

(c) Satisfy references (k) and (l) by identifying and addressing in the EA disproportionately high and adverse human health and environmental effects of Federal programs, policies, and activities on minority and low-income populations.

(d) Address the potential impacts to: 1) property on, or eligible for, listing in the NRHP, and 2) archaeological resources to comply with references (m) and (n).

(6) Describe any avoidance, mitigation, or environmental monitoring requirements.

(7) List the agencies and persons consulted.

(8) Include in the appendix substantive comments, replies, and consultation correspondence from agencies or entities with relevant expertise.

g. Preparation of a FONSI

(1) Signature Authority. If the commander exercising FONSI signature authority approves of the recommendation by the EIRB for a FONSI, he or she will finalize and sign the FONSI. For actions described in paragraph 12201.4e, the commander exercising FONSI signature authority will seek the CMC (LF) review and approval before signing the FONSI.

(2) Contents. The FONSI will consist of a brief summary of the EA. Each main section of the EA (as described in paragraph 12201.4f) should be summarized in the FONSI, excluding the list of agencies, consultants, and correspondence. A Notice

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of the Availability (NOA) of a FONSI may be published in local newspapers vice the entire FONSI text.

(3) Publication

(a) Unless the proposed action meets one of the conditions in paragraph 12201.4g(3)(b), the Action Proponent is responsible for publishing the signed FONSI or the NOA in local newspapers for at least three consecutive days if practicable (preferably over a weekend to ensure higher public visibility). The proposed action may begin once publication is effected.

(b) If the proposed action involves one of the following two conditions, the Action Proponent must make the FONSI available for public review (including in state- and area-wide clearing-houses and forward the FONSI to the CMC (LF) for publication in the *Federal Register*) for 30 days before making the final determination whether to prepare an EIS and before the action may begin. The conditions are:

1. The proposed action is, or is closely similar to, one that normally requires the preparation of an EIS (e.g., there is a reasonable argument for the preparation of an EIS).

2. The nature of the proposed action is without precedent (e.g., if it is an unusual case, a new kind of action, or a precedent-setting case such as a first intrusion of even a minor development into a pristine area).

5. EIS (40 CFR part 1502.1)

a. Overview. An EIS provides a full and unbiased discussion of significant environmental impacts and informs decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Briefly, the EIS process includes public "scoping," the issuance of a draft EIS (DEIS), a final EIS (FEIS), a supplemental EIS (if applicable), and the opportunity for public comment. The process culminates in the issuance of a Record of Decision (ROD).

b. Significantly. As defined in paragraph 12202, Terms and Definitions, the term "significantly" provides a basis for determining whether a proposed action significantly affects the

quality of the human environment. While all aspects of the definition are important, commands should pay special attention to the following issues set forth:

(1) The Geographical Extent of the Action (40 CFR part 1508.27(b)(3)). For example, construction and land use modification to support a limited maneuver or training exercise by an individual command may not have a significant effect on the environment. However, training exercises on a broad geographic scale involving diverse natural areas could have a significant effect on environmental quality.

(2) The Long-Term Impact of the Action (40 CFR part 1508.27(b)(6,7)). Maintain an objective overview toward the magnitude of environmental effects of both the immediately contemplated action and future actions for which the proposed action may serve as a precedent and which may result in a cumulatively significant impact.

(3) The Risk Potential (40 CFR parts 1502.22, 1508.27(b)(5)). For example, even though the environmental impact of an efficiently and safely operated fuel depot may not be significant, if a massive oil spill is reasonably foreseeable in the lifetime of the project, the effects of an oil spill could render significant the effects of construction or operation of such a depot.

(4) Sites Having Existing or Possible Historic, Architectural, or Archaeological Interest (40 CFR part 1508.27(b)(8)). (See Chapter 8 of this Manual.)

(5) The Potential Impact on Endangered or Threatened Species, and/or Their "Critical Habitat" as designated by the United States Fish and Wildlife Service or National Marine Fisheries Service (40 CFR part 1508.27(b)(9)). (See Chapter 11 of this Manual.)

c. EIS Preparation

(1) General (40 CFR part 1502.2). To achieve the NEPA goal of preparing a concise and useful statement, Action Proponents must prepare an EIS per the format in paragraph 12201.5e, following these guidelines:

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(a) Write an analytic, rather than encyclopedic, EIS.

(b) Discuss impacts in proportion to their significance. Briefly discuss issues that are less significant. As in an FONSI, write only enough to show why more study is not warranted.

(c) Keep the EIS concise and no longer than is necessary to comply with reference (a), these regulations, and regulations issued by the CEQ. Length should vary first with potential environmental issues and then with project scope.

(d) Outline the criteria for selecting alternatives.

(e) Outline the range of alternatives, including a "no action" alternative, which is discussed in the EIS and which is to be considered by the ultimate decision maker or by the lead agency if the DOD is a cooperating agency.

(f) Cognizant commands must not make irreversible commitments of resources that change the physical environment before making a final decision.

(g) To satisfy references (k) and (l), identify and address in the EIS disproportionately high and adverse human health and environmental effects of Federal programs, policies, and activities on minority and low-income populations.

(2) Document Length (40 CFR part 1502.7). Restrict the document to pertinent facts, excluding material not directly applicable to the expected impact. The EIS must contain sufficient information and baseline data to support the conclusions reached. Data may be included in the EIS as appendices.

(3) Scoping (40 CFR part 1501.7) and Lead and Cooperating Agencies (40 CFR part 1501.5,6)

(a) The scoping process will:

1. Invite the participation of affected Federal, State, and local agencies, any Native American tribe, minority and low-income populations, and other interested persons.

2. Determine the scope and the significant issues to be analyzed in depth in the EIS.

3. Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review. Narrow the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or provide a reference to their coverage elsewhere.

4. Allocate assignments for the preparation of the EIS among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement.

5. Indicate any public EAs and other EISs that are being, or will be, prepared and that are related to, but are not part of, the scope of the impact statement under consideration.

6. Indicate the relationship between the timing of the preparation of an EIS and the agency's tentative planning and decision making schedule.

7. Identify other environmental review and consultation requirements (e.g., section 7 of reference (i), the compliance requirement of reference (m), CAA Conformity, or reference (o)), so the lead and cooperating agencies may prepare other required analyses and studies concurrently with the EIS.

8. Identify environmental permits and regulatory agency approvals required for the project and the relationship between the timing of permits and approvals with the start of the proposed action.

(b) These scoping functions may be carried out in the context of a public, informal meeting at which written responses or oral presentations resulting from the public notices may be received. Such meetings, while not mandatory, may be held whenever practicable. There is no authority for the payment of expenses incurred by any person(s) in the preparation and presentation of information at these meetings.

(4) Public Notification (40 CFR part 1506.6). As soon as practicable after the cognizant command has determined that an EIS is required and the proper chain of command has been

notified, undertake the following efforts to involve agencies and the public appropriately and to focus the environmental analysis on the significant issues:

(a) The Command EIRB drafts a Notice of Intent (NOI) to prepare an EIS and forwards it to the commander exercising FONSI signature authority for approval. Then forward the NOI to the CMC (LF) for Headquarters Environmental Impact Review Board (HQEIRB) review and approval. If approved, the Deputy Chief of Installations and Logistics or designee signs the NOI.

(b) The CMC (LF) must publish the NOI to prepare an EIS in the *Federal Register*.

(c) Action Proponents must mail the NOI to national organizations that the cognizant command reasonably expects to be interested in the matter. In all cases, the cognizant command must mail the notice to those who have requested it.

(d) The NOI will:

1. Solicit the comments and suggestions of affected Federal, State, and local agencies, any affected Native American tribes, Hawaiian interest groups, the proponent of the action, and any other interested persons (including those who might not be in accord with the action on environmental grounds).

2. Briefly describe the proposed action and the scoping process to be undertaken.

3. If a scoping meeting is to be held, include a public notice of such meeting. This notice may be published separately from the NOI, but must be published no less than 15 days before the scheduled meeting, regardless of whether it is an individual notice or part of the NOI.

4. Be mailed directly to concerned agencies, organizations, and individuals and may be published in local newspapers.

(e) Per reference (k), whenever practicable and appropriate, the NOI and announcement of the scoping meeting must be translated for non-English speaking populations.

(f) In the case of an action with effects of local concern primarily, the notice may include compliance with the affected state's public notice procedures of comparable actions.

(5) Time Limits (40 CFR part 1501.8). The EPA publishes a weekly notice in the *Federal Register* of the EISs filed during the preceding week. The following times calculated from publication of the EPA notice must be followed:

(a) The DEIS should be made available to the public 15 days prior to any public hearing or meeting on the DEIS.

(b) The FEIS may not be filed less than 45 days after publication of the NOI of the DEIS.

(c) Prior to any ROD on the proposed action, the DEIS must be available to the public for no less than 90 days, and the FEIS for no less than 30 days.

d. Format (40 CFR parts 1502.10-1502.18). Print the document on 8-1/2 by 11-inch bond paper; foldout sheets may be used as long as the 11-inch vertical dimension is retained. Use the following format for all EIS documents and, as appropriate, for EA documents:

(1) Cover Sheet. The one-page cover sheet includes the following:

(a) A list of the responsible agencies, including the lead agency and any cooperating agencies;

(b) The title of the proposed action that is the subject of the environmental analysis (and if appropriate, the titles of related cooperating agency actions), together with states, counties, and other jurisdictions where the action is located;

(c) The name, address, and telephone number of the person at the responsible command who can supply further information;

(d) A designation of the analysis as an EA, DEIS, FEIS, or draft or final supplement;

(e) A one-paragraph abstract of the analysis; and

(f) The date by which comments must be received.

(2) Summary. The summary appears at the beginning of the document, immediately follows the cover sheet, usually will not exceed 15 pages, and includes the following:

(a) Indication of whether the analysis is an EA, DEIS, or FEIS;

(b) The name of the action and whether it is administrative or legislative;

(c) A brief description of the action and what geographical region (including state and county, as applicable) is particularly affected;

(d) A summary of the adverse environmental impacts and mitigating actions considered. This summary includes a statement as to whether the action is subject to the General Conformity Rule under section 176(c) of reference (h), and if so, whether applicable requirements have been met.

(e) A list of considered alternatives;

(f) A statement as to whether the action may have a significant environmental impact or may be environmentally controversial;

(g) For DEISs, a list of all Federal, State, and local agencies from which comments have been requested. For FEISs, a list of all Federal, State, and local agencies and other sources from which written comments have been received; and

(h) The dates the DEIS and FEIS were made available to the CEQ and public.

(3) Purpose and Need. This section, which actually begins the body of the analytic portion of the document, briefly specifies the underlying need for the project and its objectives for which the Marine Corps or Action Proponent is presenting the proposed action and alternatives. It succinctly and objectively justifies the proposed action and explains the essential

requirements that must be satisfied to achieve the purposes of the proposed action.

(4) Alternatives, Including the Proposed Action

(a) This section is the heart of the EA or EIS. Based on the information and analysis presented in the next sections entitled "Existing Environment" and "Environmental Consequences," it presents the environmental impacts of the proposal and the alternatives in a comparative (matrix) form, thus sharply defining the issues and providing a basis for choice among the options by the decision makers and the public.

(b) Rigorously explore and objectively evaluate all reasonable alternative actions, particularly those actions that might enhance environmental quality or avoid some or all of the adverse environmental effects. Include, where relevant, alternatives to the proposed action not within the existing authority of the agency. If applicable, conduct an analysis of such alternatives, and report the results relating to their environmental benefits, costs, and risks. This analysis should accompany the proposed action through the agency review process. If a cost/benefit analysis relevant to the choice among environmentally different alternatives is prepared, discuss the relationship between the analysis and any analysis of unquantified environmental impacts, values, and amenities as per section 23 of part 1502 of reference (e). The analysis evaluates qualitative and quantitative considerations, including factors not related to environmental quality that are likely to be relevant and important to a decision. This process will prevent a premature foreclosure of options that might enhance environmental quality or have less detrimental effects.

(c) Alternatives include, but are not limited to, the following examples:

1. Taking no action;
2. Postponing action;
3. Selecting actions of a substantially different nature that would meet mission and project objectives and have different environmental impacts;

4. Adopting different designs or details of the proposed action that would present different environmental impacts (including mitigation measures); and

5. Those alternatives not within the authority of the Marine Corps or Action Proponent to implement but that would still meet project objectives.

(d) In each case, the analysis should be sufficiently detailed to reveal the agency's comparative evaluation of the proposed action and each reasonable alternative. In all cases, however, evaluate the alternatives of not proceeding with the proposed action. Throughout the EA or EIS, the discussion and analysis should be structured to prevent a premature foreclosure of options that might enhance environmental quality or have less detrimental effects.

(5) Existing Environment of the Proposed Action. The EA or EIS succinctly describes the environment of the affected area as it exists prior to consideration of the proposed action, including existing and anticipated uses and activities in the area (i.e., a baseline description from which to compare the probable impact). The descriptions will be no longer than necessary to understand the effects of the proposed action. In the analysis, present the interrelationship of other Federal and non-Federal actions that might cause cumulative environmental impacts with the proposed action. The amount of detail provided in such descriptions will be commensurate with the extent and impact of the action and with the amount of information required at the particular level of decision making.

(6) Environmental Consequences. This section forms the scientific and analytic basis for the comparison of impacts presented in the alternatives section. The discussion will include the proposed action, any adverse environmental impacts that cannot be avoided should the proposal be implemented, the relationship between short-term uses of the human environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. This section does not duplicate the discussions in the alternatives section, but does include the following discussions:

(a) Direct effects and their significance; i.e., an analysis of the positive and negative effects of the proposed action. The attention given to different factors varies according to the nature, scale, and location of proposed actions. Give primary attention to a discussion of those factors most evidently impacted by the proposed action.

(b) Indirect effects and their significance. Include secondary or indirect consequences for the environment in the analysis. Many major Federal actions, especially those that involve construction (e.g., new installation or joint use of an installation), stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities. Such secondary effects, by their impact on existing community facilities and activities, by inducing new facilities and activities, or by changes in natural conditions, often are more substantial than the primary effects of the original action. For example, estimate the effects of the proposed action on population and growth impacts, if they may be significant. Evaluate the effect of any possible change in population patterns or growth upon the resource base, especially those that may impact low-income and minority populations, including impacts on land use, water resources, and public services of the area in question. Consider major Federal actions that may cause indirect effects on the natural and physical environment off site or later in time.

(c) Possible conflicts between the proposed action and the objectives of Federal, State, and local (and in the case of a reservation, Native American tribe) land use plans, policies, and controls. Discuss how the proposed action will conform or conflict with the objectives and specific terms of approved or proposed Federal, State, and local land use plans, policies, and controls for the area affected, including those developed in response to environmental legislation. Where a conflict or inconsistency exists, describe the extent to which the agency has reconciled its proposed action with the plans, policies, or controls. In the absence of full reconciliation, document justification for any decision to proceed.

(d) The environmental effects of alternatives, including the proposed action. Base comparisons as outlined in paragraph 12201.5e(4), preceding.

(e) Energy requirements and conservation potential of various alternatives and mitigation measures. Address the energy impact of the proposed action and alternatives.

(f) Any irreversible or irretrievable commitments of resources that would be involved if the proposed action is implemented. From a survey of unavoidable impacts, identify the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" (both renewable and nonrenewable) means the natural and cultural resources committed to, or lost by, the action, as well as labor, funds, and materials committed to the action.

(g) The relationship between local short-term use of the environment and maintenance and enhancement of long-term productivity. Briefly discuss the extent to which the proposed action involves trade-offs between short-term environmental gains and the expense of long-term losses (and vice versa). Discuss the extent to which the proposed action forecloses future options. In this context, "short-term" and "long-term" do not refer to any fixed periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

(h) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(i) Ways to mitigate and/or monitor adverse environmental impacts (if not previously discussed). When appropriate, discuss mitigation measures in the form of avoidance, design modification, rehabilitation, preservation, or compensation; address the extent of countervailing benefits derived from implementing mitigation measures and/or monitoring programs to avoid or reduce some or all of the adverse environmental effects. In the EIS, mitigation measures and monitoring programs, including implementing feasibility and funding availability, should be discussed in the context of "potential mitigation measures" and "potential monitoring programs." The decision to commit to a particular mitigation measure or monitoring program is made in the ROD. In many cases, mitigation measures should also be coordinated with cognizant regulatory agencies.

(j) Cumulative impacts as appropriate and in context with the scope and magnitude of the proposed action

(k) Any probable and unavoidably adverse environmental effects should the proposal be implemented. Briefly discuss those effects that are adverse, not amenable to mitigation, and unavoidable under the proposed action.

(7) List of Preparers. Prepare environmental statements using an interdisciplinary approach that will ensure the integrated use of the natural, social sciences, and the environmental design arts. To verify that this approach was undertaken, list the names, together with the qualifications (expertise, experience, professional disciplines) of the persons primarily responsible for preparing the EA or EIS, or significant background papers, including basic components of the statement. Where possible, identify the persons who are responsible for the particular analysis, including analyses in background papers. Normally the list will not exceed two pages.

(8) Distribution List. Include in the document a complete distribution list, including the names and addresses of all the organizations, agencies, and individuals to whom copies of the statement are to be sent.

(9) Correspondence. List all Federal, State, and local agencies, and their records of correspondence related to the proposed action, from which comments and coordination have been requested.

(10) Appendix. An appendix to an EIS is optional; however, if used, it will:

(a) Consist of material prepared in connection with an EIS (as distinct from material that is not so prepared and that is incorporated by reference).

(b) Normally include material that substantiates any analysis fundamental to the impact statement.

(c) Normally be analytic and relevant to the decisions to be made.

(d) Circulate with the EIS or be readily available upon request.

e. Incorporation by Reference (40 CFR part 1502.21). As much as possible, commands preparing environmental statements must incorporate material into an EIS by reference when the effect will cut down on bulk without impeding agency and public review of the action. Cite the incorporated material in the statement and briefly describe its contents. Do not incorporate material by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Do not incorporate by reference material based on proprietary data that is itself not available for review and comment.

f. Incomplete or Unavailable Information (40 CFR part 1502.22). For the purposes of this section, "reasonably foreseeable significant adverse impacts" include those impacts that have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason. When the command preparing the EIS is evaluating reasonably foreseeable significant adverse effects on the human environment and there is incomplete or unavailable information, it must make clear that such information is lacking. For such situations it can take the following actions:

(1) Include the information in the EIS if the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant.

(2) Include the following items in the EIS, if the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known (e.g., the means for obtaining it are beyond the state of the art):

(a) A statement that such information is incomplete or unavailable;

(b) A statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment;

(c) A summary of existing credible scientific evidence that is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment; and

(d) The Action Proponent's evaluation of such impacts based on theoretical approaches or research methods generally accepted in the scientific community.

g. The CMC (LF)/Secretary of the Navy (SECNAV) Review of DEIS/FEIS. Following the Command EIRB recommendation, the commander exercising FONSI signature authority forwards the DEIS and FEIS to the CMC (LF) for HQEIRB approval. If approved by the HQEIRB, the DEIS or FEIS is forwarded to the Deputy Assistant Secretary of the Navy (Installations and Environment) (DASN I&E) or a designee for signature. The CMC (LF) must deliver copies of the document to EPA Headquarters. The Action Proponent distributes the DEIS or FEIS to interested parties.

h. ROD (40 CFR part 1505.2)

(1) The ROD is a public record of the decision selecting one alternative for implementation from among the alternatives considered in detail in an EIS. The document, as proposed by the activity/Action Proponent, will be finalized by the CMC (LF) on behalf of the HQEIRB and will state the decision, identify the alternatives considered (including those that were environmentally preferable), and discuss all factors, including non-environmental considerations, that influenced the decision. The ROD will commit the Action Proponent to the appropriate mitigation, if applicable, to minimize environmental harm, and to identify those measures that were considered, but not selected, for implementation. Additionally, any monitoring program associated with selected mitigation measures will be addressed.

(2) The ROD must be drafted by the command in coordination with the CMC (LF) environmental planning staff. The Command EIRB must review the ROD and forward it with its recommendation to the commander exercising FONSI signature authority for approval. The commander exercising FONSI signature authority must forward the ROD to the CMC (LF) for consideration by the HQEIRB and approval. The CMC (LF) must forward the ROD to the DASN I&E or a designee for signature. The CMC (LF) must publish the signed ROD in the *Federal*

Register, and the command or Action Proponent publishes the document in the local newspaper(s) and mails it to appropriate agencies, organization, and individuals.

6. Other Issues

a. Contractor Involvement in NEPA Documentation (40 CFR part 1506.5). An EIS, like an EA, frequently is prepared by a contractor. To obtain unbiased analyses, the contractor must be selected in a manner avoiding any conflict of interest. Therefore, contractors will execute disclosure statements approved by the Marine Corps, which specify that the contractors have no financial or other interest in the outcome of the project. Contractor efforts should be closely monitored throughout the process to ensure an adequate document and avoid extensive, time consuming, and costly revisions. Project planners, the environmental planning staff, the Action Proponent, and area land managers should be continuously involved in the process.

b. Cooperation with Federal, State, and Local Agencies (40 CFR part 1506.2). To eliminate duplication with Federal, State, and local procedures and to fully address their requirements, commands must cooperate with other agencies as much as possible. Such cooperation could include:

- (1) Joint planning processes;
- (2) Joint environmental research and studies, including assessments of the presence or special needs of minority and low-income groups (including foreign language interpretation and collection and analysis of demographic characteristics);
- (3) Joint public hearings (except where otherwise provided by statute); and
- (4) Joint EAs or EISs.

c. Administrative Record. The administrative record is a critical component of the NEPA process. The administrative record consists of all documents and materials (including intra-office e mails) directly or indirectly considered by the decision maker. Should a decision be challenged, a reviewing court will review the decision primarily (if not solely) based on the administrative record. The decision maker is responsible

for assembling and maintaining the administrative record. To this end, commanders/supervisors/officers-in-charge must ensure that all administrative record documents and materials are properly maintained and readily retrievable upon request.

d. Classified EA and EIS Documents (40 CFR part 1507.3(c))

(1) The fact that a proposed action is of a classified nature does not relieve the Action Proponent from complying with the requirements of this chapter. Prepare, safeguard, and disseminate the DEIS and FEIS, as well as the EA, per the requirements applicable to classified information. When feasible, organize these documents in such a manner that classified portions are included as appendices so the unclassified portions can be made available to the public. Coordinate the review of classified NEPA documentation with the EPA for requirements applicable to section 309 of reference (h).

(2) An EA or EIS containing classified information, or other information for which the public release is prohibited by law, serves the same purpose as an EA or EIS without classified material, even though not all of its contents are subject to public review and comment. The entire package must accompany the proposal through the decision making process. The content of an EA or an EIS containing portions that cannot be released to the public must meet the same overall content requirements applicable to a fully published EA or EIS.

e. Emergency Actions. Where emergency circumstances outside Marine Corps control make it necessary to take an action with significant environmental impact without observing the provisions of CEQ regulations, the Marine Corps must consult with the CEQ about alternative arrangements. Action Proponents must contact the CMC (LF), as soon as practicable, to allow consultation with SECNAV and the CEQ. The CMC (LF) will consult with the CEQ and make alternative arrangements as appropriate with the CEQ to effect NEPA compliance for emergency actions. Alternative arrangements are limited to those aspects of a proposal that must proceed on an emergency basis. Remaining action to be taken is subject to normal NEPA review. Ordinarily, the failure to plan properly does not establish an emergency. Note: Regulations implementing other environmental laws (e.g., references (i) and (p)) contain requirements for consultation with the applicable regulatory agencies for actions taken relative to emergency circumstances.

f. Acquisition Programs

(1) The Acquisition Program Manager must comply with references (a) or (b) when a proposed action within an acquisition program will impose a physical effect on the natural environment.

(2) Reference (g) provides the requirements for NEPA compliance relative to the acquisition process.

g. Pollution Prevention

(1) The EPA evaluates NEPA documentation for incorporation of pollution prevention measures to assist Federal agencies in acknowledging and receiving credit for commitment to pollution prevention.

(2) The term "pollution prevention" includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. During all stages of project formulation, from early planning and NEPA documentation through implementation, Action Proponents should seek opportunities to incorporate pollution prevention into their programs.

(3) The following list describes areas where pollution prevention opportunities may be appropriately addressed during the NEPA scoping and subsequent environmental review phases:

(a) The definition of the project's purpose and need (it should be clearly identified and not slanted to support the proponent's desires, which could limit pollution prevention options);

(b) The project design specification and standards;

(c) The sizing of a project (e.g., a smaller project may affect less habitat, have fewer impacts on soil erosion and water quality, and/or result in less induced growth);

(d) The facility location;

(e) The range of alternatives (e.g., whether pollution prevention opportunities are included);

(f) Rejection of certain alternatives;

(g) Emphasis on environmental requirements (whether the focus is on pollution prevention, source reduction, innovative technologies, or traditional end-of-pipe, add-on controls);

(h) The proposed action's potential to prevent pollution;

(i) The secondary effects of a proposed action, which may discourage pollution prevention; and/or

(j) The mitigation measures incorporated into the proposal (e.g., some mitigation measures may have more pollution prevention benefits than others, and significant pollution prevention measures may require a basic change in the project).

(4) Further guidance on compliance with reference (r), as well as pollution prevention strategies, can be found in chapters 6, 7, and 15 of this Manual.

h. Tiering (40 CFR part 1502.20 and 40 CFR part 1502.28). Reference (e) encourages the use of tiering whenever appropriate to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for discussion at each level of the environmental review. An EA or EIS of broad scope discussing the impacts of a wide-ranging or long-term phased program, referred to as a programmatic EA or EIS, can be followed by an EA or EIS of more narrow scope concentrating solely on issues specific to the actions being considered. Tiering is appropriate when it helps the Action Proponent to focus on issues that are ripe for decision and excludes from consideration issues already decided or not yet ripe. This results in a stepped approach to planning and decision making.

(1) Tiering is appropriate when the sequence of statements or analysis is:

(a) From a broad program, plan, or policy (not necessarily site-specific) EIS to a program, plan, or policy statement of lesser scope or to a site-specific EA or EIS. For example, a national program providing for mineral exploration on military-held lands with a subsequent analysis tiered for each installation impacted, or the initiation of a new training

apparatus where the use of the apparatus itself may impact the environment, with subsequent tiered analysis at each site proposed for locating such training.

(b) From an EIS on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent EIS or EA at a later stage (such as environmental mitigation).

(2) Content of Programmatic EIS. In addition to the discussion required by these procedures for inclusion in an EIS, the programmatic EIS will discuss:

(a) A description of the related stages, sites, or actions that may ultimately be proposed in as much detail as presently possible;

(b) The implementing program factors that are known at the time of EIS preparation;

(c) The environmental impacts resulting from establishing the overall program that would be similar for subsequent stages, sites, or actions as further implementation plans are proposed; and

(d) The appropriate mitigation measures that would be similarly proposed for subsequent stages, sites, or actions.

(3) Preparation of a Tiered Analysis

(a) When the subsequent tier itself may have significant impact on the quality of the human environment or when an impact statement is required by these procedures, use the EIS as the analytical document for a staged or site-specific analysis subsequent to the programmatic EIS. Otherwise, document the subsequent tiered analysis with an EA to fully assess the need for an EIS or a FONSI.

(b) In addition to the discussion required by these procedures for inclusion in EA and EIS documents, each subsequent tiered analysis must:

1. Summarize the program-wide issues discussed in the programmatic statements and incorporate discussions from the programmatic statement by reference;

2. Concentrate on the issues specific to the subsequent action; and

3. State where the programmatic document is available for review.

(4) Programmatic EISs and all the subsequent tiered EISs will be prepared, circulated, and distributed in the same fashion as required of any other EIS. Commands must prepare, circulate, and distribute tiered EAs and resulting FONSIIs per the procedures applicable to EAs.

i. Supplemental Statements (40 CFR part 1502.9). Prepare supplements to either a DEIS or FEIS if substantial changes are made in the proposed action and they are relevant to environmental concerns or if significant new circumstances or information arises that is relevant to environmental concerns. Prepare, circulate, and file such supplements in the same fashion as a DEIS or FEIS. Scoping is not required.

j. Procedures for Conducting Public Hearings under NEPA. Conduct hearings as follows:

(1) Guidelines and Standards. The Action Proponent, in coordination with the CMC (LF), determines whether a public hearing will be held. Public hearings are appropriate in the following situations:

(a) When the proposed agency action will have a direct or peculiar environmental impact on the people residing in a particular geographic area;

(b) When public organizations or members of the public possess expertise concerning the environmental impact of the action that may not otherwise be available;

(c) When the proposed action is not a classified action, or when there is no overriding concern for national security associated with the proposed action;

(d) When a request for a hearing has been submitted by another agency with jurisdiction over the action and is supported by reasons why a hearing will be helpful; and/or

(e) When a minority or low-income population may be affected.

(2) Preparation

(a) The purpose of the public hearing on a proposed project is twofold. First, the hearing is intended to provide interested members of the public with relevant information. Second, the hearing affords members of the public an opportunity to present their views of the proposed action. The two foregoing objectives dictate the format for conducting public hearings.

(b) If the proposed action dictates that a hearing be held, the public must be advised of the proposed hearing via the *Federal Register* at least 15 days prior to the scheduled hearing. This *Federal Register* notice is in addition to publication in local newspapers. Per reference (k), provide notice, wherever practicable and appropriate, in foreign language local newspapers. Notification should include:

1. The date and time of the meeting, and the phone number of the hearing officer;

2. The request that speakers submit in writing their intention to participate;

3. The suggestion that technical statements or statements of considerable length be submitted in writing;

4. Any time limitation on the length of oral statements;

5. A summary of the proposed action, and the findings contained within the DEIS;

6. Offices/locations where the DEIS is available for examination; and/or

7. A request that any individual or groups with special needs (e.g., accessibility/transportation or need for foreign language interpretation) notify the agency conducting the hearing.

(c) If feasible, make copies of the DEIS available to the public at an appropriate regional or local location. Also, forward copies of the DEIS to the appropriate state, regional, and metropolitan clearing-house (unless the governor of the state involved has designated some other point for receipt of the information). At the same time the statement is sent to CEQ, the EPA, and other Federal agencies, make the DEIS available to the public at least 15 days prior to public hearings. Use local outlets such as libraries and county commissioners' offices whenever appropriate. As necessary, translate document summaries into languages other than English.

(d) Hold hearings at a time and place readily accessible to civilian organizations and individuals interested in the proposed action. Generally, hearings are preferable in a civilian facility such as a high school auditorium on a weekday evening when such groups can reasonably be expected to attend.

(e) The Action Proponent must select a hearing officer who is of appropriate seniority, preferably military, thoroughly familiar with the proposed action, and of suitable temperament to preside at a public meeting at which the news media may attend. While there should be only one hearing officer, he/she may be assisted by other personnel who are also familiar with the proposed action or some phase of it. These personnel may help explain details or specialized portions of the proposed action. Foreign language interpreters should be present, as appropriate.

(f) An experienced court reporter or stenographer may prepare a verbatim or summary written record of the hearing, or the Action Proponent may tape the hearing. Append to the record as exhibits all written statements submitted to the hearing officer during the hearing or prior to the record's completion. Add to the record the list of persons attending the hearing, along with the organizations or interests they represent and their addresses. Mail a copy of the hearing to persons who have indicated this desire, subject to the cost of the reproduction.

(3) Format. The following format for the conduct of a hearing is provided as a general guideline. Hearing officers should tailor the format for each hearing as the circumstances dictate to meet the objectives of the hearing. The objectives are to provide information to the public and to record the

opinions of interested persons for later evaluation in conjunction with the proposed action.

(a) Apprise the hearing officer of those who attend the hearing. A record of attendance assists in preparing the record, in recognizing individuals who desire to make a statement, and in mailing written answers to persons who desire them. That record can be compiled by having each person attending the hearing complete an individual card indicating name, address, and organization represented, if any, and whether a statement will be made at the hearing. Use an appropriate number of attendants to distribute and collect the cards and to separate cards of those who desire to make a statement from those who do not. The hearing officer may then use the cards as an orderly system for calling upon individuals who desire to make statements. Additionally, those individuals responding to the announcement and requesting opportunity to speak should be asked to provide copies of any remarks for hearing proceedings.

(b) The hearing officer and any assistants first should be introduced, make a brief statement on the purpose of the hearing, state the general ground rules, and welcome any present dignitaries. Explaining the hearing's purpose will be simplified if written copies have been made available to attendees. The hearing officer should inform the attendees that he/she is not authorized to make any decision as to whether the project is to proceed, be modified, or abandoned.

(c) The hearing officer will fully explain what the proposed action entails, including information on alternative courses of action. The hearing officer may call upon one or more assistants to explain any particular phase of the program.

(d) The hearing officer only should answer questions that seek clarification of the action and should not attempt to respond to attacks on it. Include all questions asked in the record of the hearing.

(e) Offer the persons attending the hearing an opportunity to present oral and/or written statements and publicize this opportunity in the Notice of Public Hearing. The hearing officer will ensure that the name and address of each person submitting an oral or written statement is noted. The attendees should be permitted to submit written statements during the hearing and within a reasonable time following the

hearing (normally two weeks). Allot a reasonable length of time (three to five minutes) for oral statements. After all other scheduled statements have been completed, offer an opportunity to speak to individuals who desire to make a written or oral statement, but did not so indicate on the cards submitted when they entered the meeting.

(f) When it is time to adjourn the meeting, the hearing officer should first thank the attendees. Attendance may warrant an additional hearing, perhaps at another time and location. If so, the hearing officer should announce the intent, but not normally agree to repeat the entire procedure of publishing notice in the *Federal Register*, etc. At the conclusion of the meeting, the hearing officer should not express any opinion on the merits of the proposals or comments presented at the hearing.

7. Environmental Compliance. See Chapter 4 of this Manual for information on policy, responsibility, and procedures for achieving compliance with applicable E.O.s, and Federal, State, interstate, and regional statutory and regulatory environmental requirements.

12202. TERMS AND DEFINITIONS

1. Action. Broadly interpreted as any proposal initiated by the Marine Corps, including:

a. New activities or projects entirely or partly funded, assisted, conducted, regulated, or approved by the Marine Corps;

b. Substantive changes in continuing actions, such as major changes in operation tempo, areas of use, or in methodology/equipment, where these changes have the potential for significant impact; and

c. Specific projects, such as construction or management activities located in a defined geographic area (e.g., Military Construction projects, public/private venture projects, special projects, land acquisition, natural resources management projects, and locally funded projects).

2. Action Proponent. The commander, commanding officer, or civilian director of a unit, activity, or organization who initiates a proposal for action, as defined in section 23, part

1508 of reference (e), and who has command and control authority over the action once it is authorized. For some actions, the Action Proponent will also serve as the decision-making authority for that action. In specific circumstances, the Action Proponent and decision maker may be identified in Navy regulations, other SECNAV Instructions, operational instructions and orders, acquisition instructions, and other sources which set out authority and responsibility within the DON.

3. Administrative Record. The administrative record is a critical component of the NEPA process and consists of all documents and materials (including intra-office emails) directly or indirectly considered by the decision maker. Should a decision be challenged, a reviewing court will review the decision primarily (if not solely) based on the administrative record. The decision maker is responsible for assembling and maintaining the administrative record. To this end, commanders/supervisors/officers-in-charge must ensure that all administrative record documents and materials are properly maintained and readily retrievable upon request.

4. CATEX (40 CFR part 1508.4). Actions that the DON has determined do not have a significant effect, individually or cumulatively, on the human environment under normal circumstances and for which neither an EA nor an EIS is required. DON CATEXs are provided in section 6, paragraph f of reference (f).

5. Installation EIRB. A selected group of subject matter experts appointed by the CG/CO of the installation. The board reviews environmental documentation to determine if the potential for environmental degradation or public controversy exists and the recommended level of NEPA documentation. The composition of this EIRB will include a cross section of the command, and where appropriate, other Marine Corps commands/units and tenants. Members of the board should include the counsel or staff judge advocate; the heads of facilities, environment, and operations/training; the comptroller; public affairs; community plans and liaison office; and any others as determined by the commander exercising FONSI signature authority. The EIRB will ensure that the documentation is in compliance with reference (a).

6. Cooperating Agency. Any Federal agency other than a lead agency which has jurisdiction by law or special expertise with

respect to any environmental impact involved in a proposal (or any reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. A State or local agency of similar qualifications, or when the effects are on a reservation, a Native American tribe may, by agreement with the lead agency, become a cooperating agency.

7. EA (40 CFR part 1508.9). An EA is a concise document that:

a. Briefly provides sufficient evidence and analysis for determining whether to prepare an EIS or FONSI;

b. Aids Marine Corps compliance with reference (a) when no EIS is necessary;

c. Facilitates preparation of an EIS when one is necessary (i.e., when the contemplated actions are considered to have a potential for significant environmental impact or environmental controversy, and therefore a FONSI is not appropriate); and

d. Includes brief discussions of the need for the proposal, reasonable alternatives to the proposed action, environmental impacts of the proposed action, and a list of the agencies and persons consulted.

8. EIS (40 CFR part 1502). A NEPA document that provides full and fair discussion of significant environmental impacts of major Federal actions and informs decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. It is used by Federal officials, in conjunction with other relevant materials, to plan actions and make decisions.

a. DEIS. A document normally prepared for actions potentially having a significant impact on the quality of the human environment or having potentially controversial environmental effects. DEISs are filed with the EPA and distributed to cognizant Federal, State, local, and private agencies, organizations, and individuals for review and comment before preparation of an FEIS.

b. FEIS. A completed statement, normally a separate and additional document from the DEIS, incorporating all pertinent comments and information provided during public and agency

review of the DEIS. Responses to all substantive review comments will be contained in the FEIS. The FEIS is filed with the EPA.

c. SEIS (40 CFR part 1502.9). A document evaluating changes to either a DEIS or an FEIS necessitated by substantial modifications to the proposed action or significant new circumstances or information that would result in different environmental impacts than those evaluated in the original document. An SEIS may be prepared at any time after the preparation and filing of a DEIS or FEIS; it is filed with the EPA and distributed to recipients of the DEIS and FEIS.

9. FONSI (40 CFR part 1508.13). A document in which the Marine Corps briefly presents reasons why an action, not otherwise categorically excluded, will not have a significant effect on the human environment and for which an EIS will not be prepared. A FONSI may be one result of the review of an EA.

10. HQEIRB. A selected group of subject matter experts established at the CMC (LF) to review and assess the content of submitted EISs and selected EAs.

11. Human Environment (40 CFR part 1508.14). The natural and physical environment and the relationship of people with that environment.

12. Impacts (40 CFR part 1508.7 and 40 CFR part 1508.8). Impacts are synonymous with effects and include direct, indirect, and cumulative impacts.

a. Direct Effect. Effect caused by an action and which occurs at the same time and place as the action.

b. Indirect Effect. Effect also caused by an action and which occurs later in time or farther removed in distance from the action. Indirect impacts include:

- (1) Growth-inducing effects;
- (2) Effects related to induced changes in the pattern of land use, population density, or growth rate; and
- (3) Related effects on the human environment, including the natural and physical environment.

c. Cumulative Impact. Impacts which result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a time.

13. Lead Agency. The agency or agencies preparing or having taken primary responsibility for preparing an EIS.

14. Mitigation (40 CFR part 1508.20). Activities that would lessen or modify the adverse impacts associated with a proposed action. Mitigation includes:

a. Avoiding the impact altogether by not taking a certain action or parts of an action. This mitigation measure is preferred.

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and

e. Compensating for the impact by replacing or providing substitute resources or environments.

15. Proposal (40 CFR part 1508.23). A "proposal" exists at that stage in the development of an action when the Action Proponent has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. A proposal may exist in fact as well as by agency declaration that one exists.

16. REIR. A standard form prescribed by the Installation Commander to document the need for environmental analysis and compliance with reference (a).

17. ROD. A concise public document providing a rationale for

the alternative selected for implementation as presented in an FEIS. The document, as proposed by the activity/Action Proponent, will be finalized by the CMC (LF) on behalf of the HQEIRB and will state the decision, identify the alternatives considered (including those that were environmentally preferable), and discuss all factors, including non-environmental considerations, that influenced the decision. The ROD will commit the Action Proponent to the appropriate mitigation, if applicable, to minimize environmental harm, and to identify those measures that were considered, but not selected, for implementation. Additionally, any monitoring program associated with selected mitigation measures will be addressed.

18. Scope (40 CFR part 1508.25). "Scope" consists of the range of actions, alternatives, and impacts to be considered in an EA or an EIS. The scope of an individual EA or EIS may depend on its relationships to other EAs or EISs. To determine the scope of an EA or an EIS, Action Proponents must consider three types of actions, three types of alternatives, and three types of impacts. They include:

a. Actions (other than unconnected single actions) that may be:

(1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are "connected" if they:

(a) Automatically trigger other actions that may require EISs;

(b) Cannot or will not proceed unless other actions are taken previously or simultaneously; or

(c) Are interdependent parts of a larger action and depend on the larger action for their justification.

(2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

(3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their

environmental consequences together, such as common timing or geography. An Action Proponent may wish to analyze these actions in the same EA or EIS. It should do so when the best way to assess adequately the combined impacts of similar actions is to treat them in a single EA or EIS.

b. Alternatives, which include:

- (1) No Action alternative
- (2) Other reasonable courses of action
- (3) Mitigation measures (not in the proposed action)

c. Impacts, which may be:

- (1) Direct
- (2) Indirect
- (3) Cumulative

19. Scoping. An early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.

20. Significantly (40 CFR part 1508.27). "Significantly" as used in NEPA requires consideration of both context and intensity:

a. Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

b. Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under reference (i).

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

CHAPTER 12

THE NATIONAL ENVIRONMENTAL POLICY ACT

SECTION 3: RESPONSIBILITIES

12300. CMC (LF)

1. Establish policy and procedures regarding NEPA compliance.
2. Coordinate the CMC (LF) review and disposition of EAs referred by the commander exercising FCNSI signature authority and DEIS and FEIS documents through the HQEIRB.
3. Coordinate as appropriate with the CEQ; EPA; Deputy Under Secretary of Defense for Environmental Security, Office of the Assistant Secretary of the Navy, Installations and Environment; and Office of the Assistant Secretary of the Navy, Research, Development, and Acquisition regarding NEPA actions elevated to Headquarters level.
4. Coordinate with the command EIRB during preparation of a ROD. The proposed ROD will be drafted to reflect the HQEIRB review of the FEIS and will be forwarded to SECNAV by the CMC (LF) for signature and final disposition.
5. Assist commands with the interpretation of policies, implementation of procedures, and compliance with reference (a) in the Marine Corps.
6. Coordinate, as appropriate, with the director of public affairs, for releasing to the public environmental documents per reference (a) and other applicable Federal laws.
7. Publish NOIs, announcements of public hearings, and RODs in the Federal Register.
8. Provide assistance for actions initiated by private persons, state or local agencies, and other non-DON/DOD entities for which DON involvement may be foreseen.

9. Provide support to Marine Corps installations and Marine Corps commands/units and tenants by interpreting Federal, State, local, and overseas NEPA requirements and by uniformly applying Marine Corps policy as set forth in the Manual.

10. Assist installations in resolving disputes with Federal, State, local, and foreign regulatory agencies as required.

11. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with Federal, State, and local regulatory agencies with regard to NEPA regulations.

12301. HQEIRB. Receive, review, and provide recommendations, as appropriate, to Deputy Chief of Staff, Installations and Logistics on DEIS, FEIS, ROD, and those EA/FONSI documents elevated to Headquarters level.

12302. CGS/COS OF INSTALLATIONS, AND COMMANDER MARINE FORCES RESERVE EXERCISING FONSI SIGNATURE AUTHORITY

1. Designate, chair, and provide for establishing a command EIRB consisting of a cross section of command personnel, including both environmental and legal staff.

2. Designate an individual and alternate, in addition to the commander exercising FONSI signature authority, in cases where the action has been identified as a CATEx.

3. Promptly notify the CMC (LF) when a decision to prepare an EA that meets conditions in paragraph 12201.5.b, or a DEIS has been made.

4. Decide whether a FONSI is appropriate when the proposed action does not involve any of the circumstances listed at paragraph 12104.5, recommend preparation of a DEIS, or recommend that the action not proceed. The decision must be based on the command EIRB's recommendation.

5. Ensure that adequate funding and personnel are available for environmental review and that appropriate orders include the requirements of planning and funding environmental documents.

6. Ensure that analyses are conducted for the environmental effects of current and proposed actions per DOD regulations, reference (e), and other applicable regulations.
7. As appropriate, encourage public participation in environmental evaluations of projects or programs.
8. Ensure that environmental analysis and the NEPA process are included at the initial planning stages and at each following procedural step or decision milestone in the development of a project or program.
9. Ensure that the administrative record supporting the NEPA process for the proposed action is assembled and maintained.
10. Identify and submit to the Commandant of the Marine Corps, Logistics, Facilities, CMC ((LFL)), and CMC (LFF) project documentation and funding requests for NEPA-related actions that are required to maintain compliance with applicable existing and emerging regulations and permits. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with NEPA requirements. Pay appropriate Federal, State, and local fees. Ensure that the Environmental Management Hierarchy is employed, pollution prevention alternatives evaluated, and life-cycle cost impacts assessed, in evaluating and selecting projects that address compliance requirements.

12303. EIRB

1. Ensure that all NEPA documents fully comply with all legal and procedural requirements through a review for technical sufficiency, including but not limited to:
 - a. Complete analysis of alternatives and their associated impacts;
 - b. Appropriateness of alternatives analyzed; and
 - c. Appropriateness of proposal as required to coexist with other actions on the installation.
2. Ensure that all NEPA documents have undergone appropriate staff review.

3. Assist the Action Proponent in determining whether the proposed action requires the preparation of an EA or EIS.
4. Review the completed EA, and make recommendation to the commander exercising FONSI signature authority for a FONSI, a DEIS, or no action. The EIRB will draft the proposed FONSI and forward both the EA and FONSI to the commander exercising FONSI signature authority for signature.
5. If the EA meets one of the requirements discussed in paragraph 12304.5, the EIRB will forward, for the commander exercising FONSI signature authority, the EA and proposed FONSI to HQEIRB for review and concurrence for approval.
6. Draft NOI, DEIS, and EIS, and forward NOI to commander exercising FONSI signature authority for approval.
7. Retain on file, for no less than 10 years, copies of all decision memoranda, completed EAs and EISs, published FONSI statements, RODs, and minutes taken during EIRB meetings.
8. The EIRB will include the designated chair of the commander exercising FONSI signature authority, a legal representative, the heads of facilities, environment, operations/training, comptroller, public affairs, community plans and liaison departments, as appropriate, and any others as determined by the commander exercising FONSI signature authority.

12304. INSTALLATION ENVIRONMENTAL PLANNING STAFF

1. Assist the Action Proponent to effect reference (a).
2. Provide specific installation guidance related to reference (a).
3. Review NEPA documents and provide technical assistance.

12305. ACTION PROPONENTS

1. Provide funds for NEPA documentation and all related ancillary studies and mitigation costs. NEPA funding is not centrally managed. Action Proponents and/or Action Proponents must program funds for NEPA compliance.

2. Coordinate with the command environmental staff at the earliest possible opportunity to determine the level of NEPA documentation required. The command environmental staff will consult with counsel and/or the EIRB when the level of NEPA documentation may be subject to legal or other qualifying interpretations.
3. Sign a decision memorandum if required for an action that has been CATEX'd, with conditions to be met before, during, and following completion of the proposed action. The Action Proponents are to maintain the original documentation. Copies of the REIR and/or decision memorandum must be made available to the CMC (LF) upon request.
4. Coordinate with the installation environmental staff and fund for the development of an EA or EIS, as appropriate for actions not identified on the list of CATEXs.
5. Coordinate with the installation environmental staff and fund for the publication of the FONSI, NOI, or ROD, as appropriate, in local newspapers.

REFERENCES

- (a) 42 U.S.C. 4321-4347
- (b) Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," January 14, 1979
- (c) DOD Directive 6050.7, "Environmental Effects Abroad of Major Department of Defense Actions," March 31, 1979
- (d) Title 32, Code of Federal Regulations, Part 187, "Environmental Effects Abroad of Major Department of Defense Actions," 2007 edition
- (e) Title 40, Code of Federal Regulations, Parts 1500-1508, "Council on Environmental Quality NEPA-implementing Regulations," 2005 edition
- (f) Title 32, Code of Federal Regulations, Part 775, "Procedures for Implementing the National Environmental Policy Act," 2007 edition
- (g) 42 U.S.C. 9601-9675
- (h) 42 U.S.C. 7401-7671
- (i) 16 U.S.C. 1531-1544
- (j) 42 U.S.C. 300f-300j-26
- (k) Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," February 11, 1994
- (l) DOD, "Strategy on Environmental Justice," March 24, 1995
- (m) 16 U.S.C. 470-470w-6
- (n) 16 U.S.C. 470aa-470mm
- (o) 16 U.S.C. 1451-1465
- (p) 33 U.S.C. 1251-1387

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(q) SECNAVINST 5000.2C

(r) 42 U.S.C. 13101-13109